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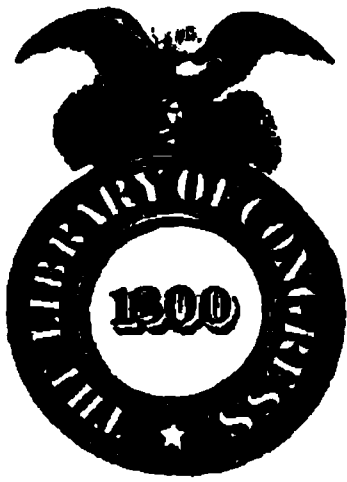
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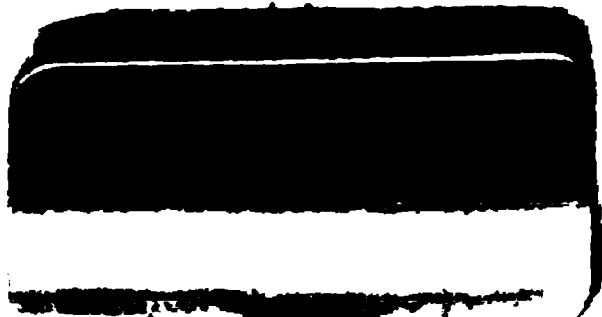
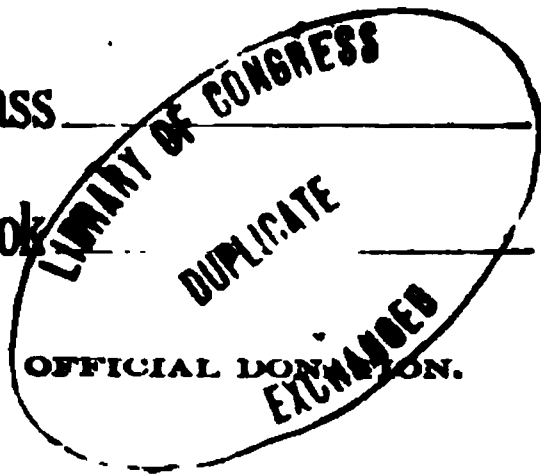
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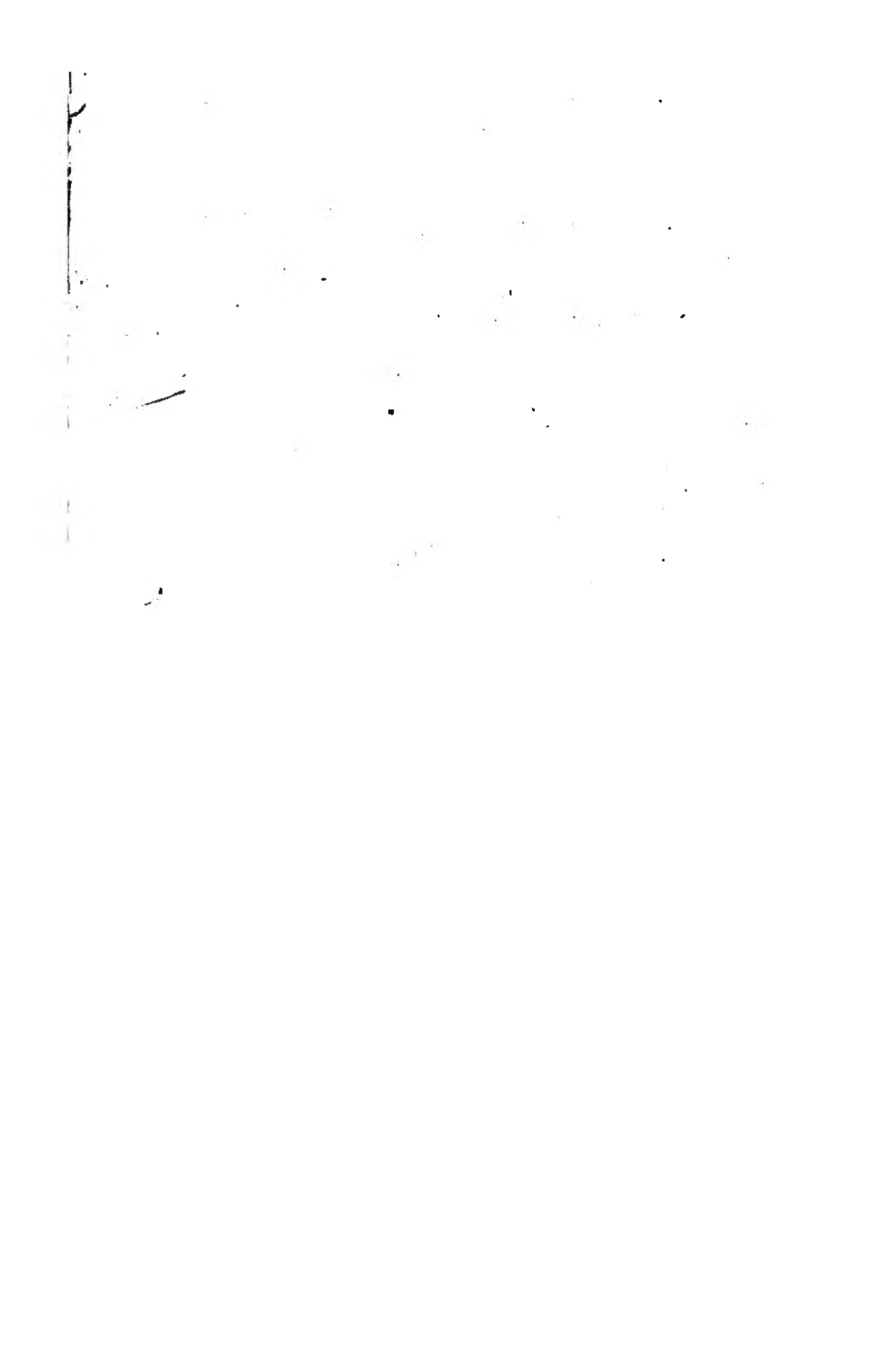
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JOURNAL
OF
THE SENATE

OF THE
STATE OF MISSISSIPPI

AT A SPECIAL SESSION

JANUARY, FEBRUARY, AND MARCH, 1902

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SENATE JOURNAL

FIRST DAY.

TUESDAY, January 7, 1902.

Be it remembered, that on this, the 7th day of January, 1902, the same being the first Tuesday after the first Monday in January of said year, and being the time, in compliance with the Constitution and the laws of the State of Mississippi for the convening of the Legislature of the State of Mississippi in special session, the Senate convened in its chamber, in the Capitol in the city of Jackson, at 12 o'clock M., and was called to order by the Lieutenant-Governor, the Hon. James T. Harrison.

The Senate was opened with prayer by Senator A. H. George.

The roll being called, the following Senators answered to their names, viz.:

Abbey, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young. Total present, 41.

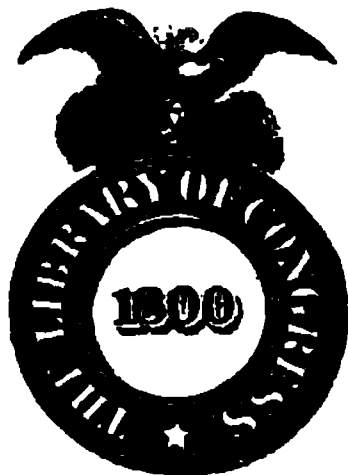
A quorum being present, the President announced the Senate was ready to proceed to business.

Mr. Crawford introduced the following named Senators-elect, who desired to take the oath of office, viz.: Hon. A. T. Dent, Senator-elect from the Sixteenth District, vice Hon. J. R. Dinsmore, deceased; Hon. T. M. Shelton, Senator-elect from the Tenth District, vice Hon. W. D. Torrey, deceased, and Hon. T. W. Young, Senator-elect from the Thirty-first District, vice Hon. J. I. Ballinger, resigned. Thereupon Messrs. Dent, Shelton and Young approached the Bar of the Senate, presented their credentials and took the oath of office required by the Constitution.

Leave of absence from day to day was granted Mr. Clinton.

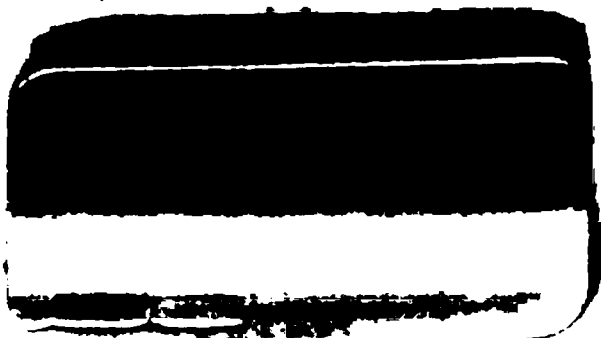
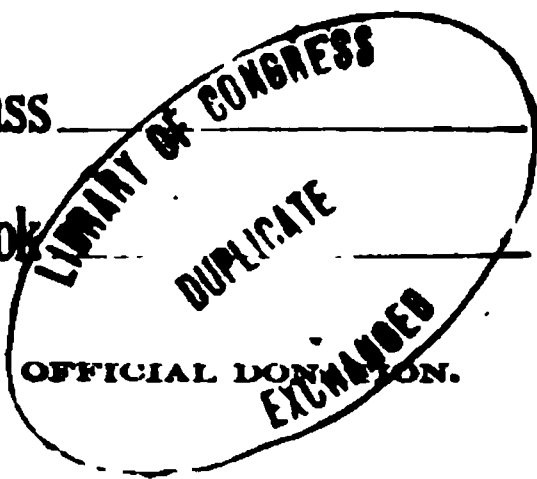
RESOLUTION.

The following resolution, introduced by Mr. McGehee, was adopted, viz.:

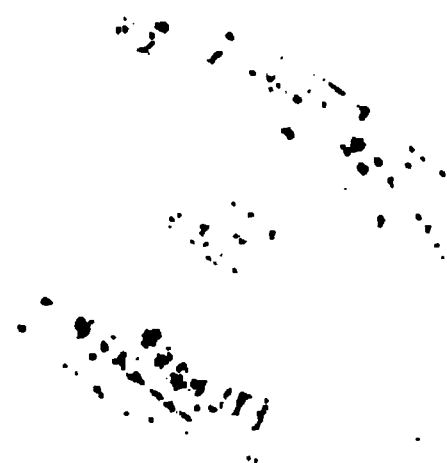


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It is proper to explain that there has been sufficient funds in the treasury, not otherwise needed for public expenditure, to meet all expenses of the new Capitol to date. I cherish the hope that the State house will be carried to completion without the sale of any part of the bonds originally intended to be the exclusive source of funds for the building; but whether my hopes in this respect shall be realized or not will depend, of course, largely upon the action of the Legislature in its appropriation of the revenues now on hand and to accrue to the State from the ordinary revenue bearing sources.

NEW STATE FARM.

Under the provisions of a law passed by the last Legislature authorizing the Board of Control to purchase lands in the Yazoo-Mississippi Delta for additional penitentiary farm (see Chapter 56, Acts of 1900), I beg to report that acting in strict conformity to said law the Board purchased 13,789.32 acres lying in the northern part of Sunflower County, Mississippi, traversed by the Yazoo Delta Railroad, at and for the price of \$5.78 per acre. I am pleased to report that of the many thousands of acres which were offered and personally inspected by the Board of Control the tract selected was, in my opinion, wisely purchased. It is fertile, well located and well drained by means of permanent streams and bayous; the vast majority of it is first-class delta land, susceptible of being put into profitable cultivation, and was purchased at a remarkably low figure. It is being rapidly cleared and furnished with necessary and suitable stockades for the safety and care of the convict labor, and I confidently predict that within the next two years sufficient land will be cleared and accommodations provided for the concentration and work thereon of all the convicts except such as will be needed for the cultivation of the other convict farm properties owned by the State.

By reference to the report of the Board of Control it will be seen that four stockades, or homes for the prisoners, have been built, and that about 2,000 acres of land have been cleared since the purchase on January 12, 1901. This has been done without curtailing the operations of the Board, or lessening the land acreage cultivated during the several preceding years. In order to make the convicts self-sustaining and relieve the State from any burdens of taxation on that account the Board has adopted the plan of gradually clearing and developing the new property, dropping only such leased farms as seemed expedient to the gradual opening and cultivation of the new purchase. This scheme of yearly clearing and concentration of men will be continued until in 1904, when I predict all the prisoners may be worked on the farms owned by the State without the necessity of leasing as heretofore, and thus ultimately relieve the State of the large sums now paid for rent. I estimate that at the present rate of improvement the new farm will in three or four years more be worth a quarter of a million dollars.

STATE TREASURER.

Owing to the unfortunate occurrences in connection with the State treasury since the last adjournment of the Legislature it becomes my unpleasant duty to lay before you *officially* the facts which brought about the vacation of the office by Treasurer Stowers, and the election of his successor.

In August last, acting under the requirements of Section 2159 of the Code, I counted the money in the vaults of the treasury, and, upon verification, there was found a shortage in the cash called for by the books to the amount of \$181,252.52. Whereupon, acting under requirements of the Code, I made and caused to be published a certificate covering in detail the facts and conditions as disclosed by such investigation and count, a copy of which certificate is as follows:

"On August 15, 1901, I deemed it proper to verify the cash balance on hand in the State treasury as shown by the books of the Treasurer, and to that end I went to the treasury office on the morning of the said 15th instant, without giving notice to any one in said office, for the purpose of counting the money on hand, but was informed by J. R. Stowers, Treasurer, that the time lock had been put on and that access to the cash was impossible before 5 o'clock that evening. I returned to the treasury at that hour when I counted the said funds in the presence of and with the assistance of Auditor W. Q. Cole, J. R. Stowers, Treasurer, and Charles Lowe, bookkeeper, in said office, who verified the correctness of said count, and I found the condition of the funds of the treasury on that day to be as follows, to-wit:

To cash on hand August 1st.....	\$786,044 80
To cash received since.....	141,195 84
	<hr/> \$927,240 64
By bonds and warrants paid in August.....	86,772 23
	<hr/>
Balance	\$840,468 41
Currency on hand	\$443,876 00
Gold on hand	117,490 76
Silver on hand	90,705 00
Cash items in the drawer.....	7,144 13
Penitentiary accounts overdrawn for which credit is given.....	18,631 08 677,846 97
	<hr/>
Difference	\$162,621 44

Attest:

The Treasurer presented the following as cash assets and asked that they be counted as cash, to-wit:

Due bill O. J. Waite, cashier First Nat.
Bank\$ 10,000 00

Receipt for draft for collection by F. B.
Neal, Assistant Cashier of Merchants

Bank	25,000 00	
Cash on deposit in Merchants Bank....	20,000 00	55,000 00
		<hr/>
	\$ 55,000 00	

Allowing the Treasurer credit for the aggregate of the above three items claimed by him as cash, there was still a balance belonging to the State unaccounted for, as shown, amounting to the sum of\$107,621 44

I indulged the hope that the amount of said shortage would be replaced if opportunity and time were given before publicity of the result of said count, and to the end that the State might thus recover the money without further trouble, expense or loss, I enjoined secrecy of those present on the whole proceedings, and agreed with Mr. Stowers that I would make another count of the money on Tuesday, August 20th. On the day fixed I made the said count with the following results, to-wit:

STATEMENT OF STATE TREASURY ON AUGUST 20, 1901.

To cash on hand August 1st.....	\$786,044 80	
To cash received since.....	210,967 60	\$997,014 40
		<hr/>
By bonds and warrants paid in August up to the 20th		91,100 05
		<hr/>
Balance	\$905,914 35	
Currency on hand	\$575,291 00	
Gold on hand	117,490 76	
Silver on hand	95,655 00	
Cash items in the drawer.....	1,332 53	
Penitentiary account overdrawn for which credit is given	28,145 06	
		<hr/>
	\$815,914 35	
Draft for collection for sale of I., I. & C. lands in hands of Capital State Bank..	\$ 65,000 00	
Receipt for draft for collection by F. B. Neal, Assistant Cashier Merchants Bank	25,000 00	
		<hr/>
	\$905,914 35	905,914 35

"The above simple statement of facts showing the condition of the funds in the treasury on said counts is made as required of me by Section 137 of the Constitution, and in my opinion the books of the treasury show a correct statement of the amounts which should

have been in the treasury on said 15th and 20th days of August, 1901, respectively.

“(Signed)

“A. H. LONGINO, *Governor.*”

“Afterwards, on the 23d day of August, the then Treasurer, J. R. Stowers, gave out for publication a statement which appeared in the newspapers, containing an admission of the correctness of the count made by me, and confessing also a shortage to the amount named, as shown by the foregoing copy of my certificate. His printed statement was in words as follows:

“It is perfectly true, as stated by the Governor, that he came to the treasury on the morning of August 15th and wanted to count the cash. It is also true that he was told that this would be impossible as the time lock was on and would not be off until 5 o'clock in the afternoon. It has been the custom of the office since I assumed charge to take out what was thought to be enough for the day's business—usually about \$40,000—and place this in the outside vault, putting the time lock immediately on the interior steel safe until about closing time. This is for protection against robberies during the daytime. The steel safe thus closed contains the bulk of the money. It will thus be seen that it would be impossible for any one in the office to be robbed of this amount during the daytime.

“The money left over from the day's business is placed within it and the lock turned on for 9 o'clock next morning. We thought the precaution a wise one. Governor Longino's statement is also correct that he returned at 5 P. M., when he, Auditor Cole, Bookkeeper Lowe and myself counted the money and found the total amount of \$107,000 less than the books called for. No one was more surprised than I when this was made clear, unless, indeed, Mr. Lowe, the bookkeeper.

“Governor Longino asked me what I was going to do about it. I told him that my cashier was up at Allison's Well on a little trip, and I would do nothing until he returned, when I was sure everything would be all right. I told him that neither Mr. Lowe nor myself handled any of the money in the vaults. I have on several occasions in the past instructed my cashier, Mr. Raiford, to place the funds in the different banks on good State and other bonds, because of the crowded condition of the safe shelves, and in pursuance of this authority the money shown not to be on hand last Thursday could not be counted. My cashier was notified and came at once. On August 20th Governor Longino returned, the cash was counted and found to be all right.

“(Signed)

“J. R. STOWERS, *State Treasurer.*”

In view of the statement made by the Treasurer that he had instructed his cashier to place the funds of the treasury in the

different banks on good security, I addressed him the following inquiries, to-wit:

"EXECUTIVE DEPARTMENT,
"JACKSON, MISS., August 27, 1901.

"Robert Stowers, State Treasurer, Jackson, Miss.

"SIR: In the statement printed in the newspapers of this city on the 23d instant, purporting to be signed and given out by you to the public in explanation of the shortage of the funds in the treasury when the money was counted by me on the 15th instant, I note that you say, I have on several occasions in the past instructed my cashier, Mr. Raiford, to place the funds in the different banks on good State and other bonds, because of the crowded condition of the safe shelves, and in pursuance of this authority the money shown not to be on hand last Thursday could not be counted.

"Under the provisions of Section 2156 of the Code, paragraph (1), I have the honor to call on you to inform me in writing: 1st. With what banks were said deposits made?

"(a) How much was deposited with each and the date thereof?

"(b) What security was taken by you? State fully or file lists.

"(c) Has there been any consideration paid or agreed to be paid by any depository or anyone else for the use of the State's funds deposited with or used by them?

"(d) Were entries of said deposits made by you on the books in the Treasurer's office? If so give the dates of entry, name of book and pages thereof.

"(e) What evidence did you take from the banks showing such deposits? Exhibit same or copies thereof with your statement.

"(f) If there are any other facts connected with the treasury discrepancy which you deem proper to communicate please make statement as if you were specially interrogated by me.

"I will thank you for the information herein requested by 9 o'clock A. M., the 28th instant if practicable.

"Respectfully,
"(Signed)

"A. H. LONGINO, *Governor.*"

To which he replied:

"JACKSON, MISS., August 28, 1901.

"A. H. Longino, Governor, Jackson, Miss.

"SIR: Your communication of August 27th was handed me at 4 o'clock P. M. In said communication you call attention to my statement printed in the newspapers on August 23d, and call upon me for certain information under the authority conferred upon you by paragraph (1) of Section 2156 of the Code.

"In compliance with your request I beg leave to submit the following: Since my tenure in the office of State Treasurer began

there has been an unprecedented accumulation of money in the treasury, so much so that it has been impossible to find room for even all the currency within the steel safe secured by the time lock. Often all the silver and part of the currency had to be kept outside of the steel safe in the insecure vault, and at this time there is \$94,000 of silver in the treasury, which has to be kept outside of the safe. This insecure state of the money in the treasury has been a source of alarm to me all the time; and in this feeling of alarm for the danger of the situation you and other State officers participated to the extent that an extra guard was appointed by you. With this extra precaution the danger of the situation is not relieved, because these two guards could be easily overcome and silenced by a band of expert safe robbers, after so valuable a prize.

"Now, I am not a lawyer and do not pretend to be learned in the technicalities of the law, but in reading the statutes upon the duties of the Treasurer of the State, I have conceived it to be my duty to receive and keep the moneys of the State, to disburse the same agreeably to law and to take receipts and vouchers for moneys disbursed and to keep proper accounts of the receipts and expenditures. For the faithful discharge of this duty I gave bond with good securities and took the oath of office to perform them. This I have honestly endeavored to do, and have done.

"In studying the statutes and laws regulating the duties of my office, I have never found a requirement that all the money of the State shall be kept in the vault and safe, especially under circumstances like those which I have encountered, where the crowded condition of the treasury made it unsafe to keep it there. I have conceived the law to be the same with reference to the State and County Treasurers, and it is well known that the funds of nearly every county in the State are deposited in bank, subject of course at all times to the call and control of the Treasurer, and ready to be counted. In reading Section 137 of the Constitution of the State requiring the semi-annual statement to be published by the Treasurer, showing the condition of the treasury, with a certificate of the Governor 'that he had verified the count of the funds in the treasury and found the balance stated by the Treasurer actually in the vaults, or as the truth may be,' I did not conceive this to be a requirement that the cash necessarily had to be in the vault at all times, and under all circumstances, whether safe or unsafe. On the contrary, I supposed if the cash balance in the treasury was in the vault, or in good faith under the control of the Treasurer, safely kept and ready to be counted, the law and the conditions were strictly complied with.

"Now, if I have made a mistake in this view of the law and in acting thereunder, it has been an honest mistake, but be that as it may, it was in this view of the law and under the peculiar conditions of an overflowing and unsafe vault that the instructions to Mr. Raiford, mentioned in my published statement, from which you quote, were given. And you will observe that I was careful to protect the funds of the State and to keep them absolutely safe,

by requiring the cashier to have an amount of State bonds or other good bonds, in lieu of the cash, and the solvency of the bank was not even trusted. I can not conceive how I could have been more careful of the State's interest. I beg to further inform you that at no time, with my knowledge and consent, were any funds that could be conveniently and safely kept in the steel safe, under time lock ever allowed by me to remain in bank, and no very large amount in any one bank, and never was it allowed to stay in a bank for a great length of time, and never allowed to remain in a bank at all unless absolutely secured and when it was really safer than it could have been in the old vault of the treasury. The security taken by me for any money allowed to remain in bank was State bonds of equal amount with the deposit. I can not file a list because when the cash was paid into the treasury the securities were returned together with the certificates of deposits or receipt which I held to show where the money was.

"There has never been any consideration paid or agreed to be paid me by any depository or any one else for the use of the State's funds deposited with or used by them.

"All proper entries were made truthfully on the books in the Treasurer's office of all moneys received and disbursed as the law requires, and the books always showed the correct balance of cash in the treasury, and any money left in a bank, as above stated, was treated as cash in the treasury and was always subject to the call and control of the Treasurer, and was so counted. The evidence taken by me from the banks, when money was left with them, was either a receipt or certificate of deposit to me as State Treasurer held with the bonds in lieu of the cash and returned to them always with the bonds to the bank when the cash was paid in. I can not, therefore, exhibit the same nor a copy with the statement, but they like the receipt or deposit certificates exhibited to you when counts of the funds were made.

"In response to your request that I state any other facts connected with the treasury discrepancy, which I deem proper to communicate, kindly permit me to make the following observations:

"The insecurity of the vault at the State treasury is the same and there still exists the greatest danger of the treasury's being robbed, and but for your objection to the keeping of any portion of the State funds elsewhere than in the vault, I should continue the policy of keeping that portion of the funds which can not be placed under the time lock in the steel safe, deposited elsewhere under safe conditions; but yielding my own views as to the legality of that course to your better judgment and riper wisdom, I promise you, who, as Governor of the State, has the legal duty devolving upon you to superintend the Treasurer's office and to direct its policy in respect to how the funds may be kept, that from this time on during my occupancy of the office your wishes in that respect shall be observed and the money will all be kept in the vault, yet it will be with constant fear and alarm for the safety of that portion kept

outside the time lock steel safe, remembering always that my bond will have to make good any sum of which the safe may be robbed.

"You will observe that I have not named a bank in which any of the State funds have been deposited in the manner above set out. Before doing that I respectfully submit that I should know for what purpose that information is desired. From what has appeared in the public prints and from other sources, I have reason to suspect that you intend to take legal proceedings against me and possibly others. I do not feel conscious of having done any wrong in the conduct of my office. Every dollar of the State's money has been safely kept by me and is now in the treasury. In justice to myself I will respectfully ask, before answering that question, if it is your purpose to use the information in legal proceedings?"

Respectfully,

"(Signed)

"J. R. STOWERS, *State Treasurer.*"

Upon the refusal of Mr. Stowers to disclose the facts called for in my said letter of August 27; and being advised and of the opinion that he had been guilty of gross misuse of a portion of the funds intrusted to his keeping, and that the missing money had been loaned out, I proceeded, under the authority conferred by Section 2158 of the Code, to suspend Treasurer Stowers from office, and to that end addressed him a communication of which the following is a copy:

"EXECUTIVE DEPARTMENT,

"JACKSON, MISS., August 28, 1901.

"*Robert Stowers, State Treasurer, Jackson, Miss.*

"SIR: Performing my duty under the laws of the State, having reason to expect that you have been guilty of embezzlement, peculation, defalcation or fraud in your office as State Treasurer, or of permitting the same to be done;

"Therefore, as Governor of Mississippi, I suspend you from the office of State Treasurer in pursuance of the statute.

"Respectfully,

"(Signed)

"A. H. LONGINO, *Governor.*"

By comparison with the records in the Auditor's office, I was convinced that the Treasurer's books showed the correct amount of money which should have been in the vaults of the treasury when the count was made, and consequently deemed it unnecessary and of useless expense to the State to appoint an expert accountant to investigate his said books.

Upon the removal of Mr. Stowers from the office of State Treasurer, I have the honor to report that I made forthwith temporary appointment of G. W. Carlisle, Esq., a resident and qualified voter of the city of Jackson, this State, to fill the said vacancy temporarily, and who promptly and on the same day qualified and took charge of the office.

Subsequently, on the 6th day of September, 1901, J. R. Stowers tendered his resignation to me in writing, as shown by a copy thereof following, to-wit:

"JACKSON, MISS., September 6, 1901.

"To His Excellency, A. H. Longino, Governor of Mississippi.

"SIR: I hereby resign the office of Treasurer of the State of Mississippi to take effect at once. Under the circumstances it is proper that I should make this statement. I would not resign if the books and funds of my office had not been examined and found correct, and, therefore, I leave the office and its affairs in proper and correct condition for my successor.

"When I accepted the office I had not had any experience in financial affairs, nor in the administration of the office, and I was ignorant of the law applicable to it, as well as the practical execution of its duties. In fact, I was not competent to keep the books or administer, practically, the office. I never had any conception, until recently, of the grave responsibility in law and in fact applicable to its administration.

"Even now there is contrariety of legal opinion as to what the Treasurer can and what he can not do in keeping the public funds. The common practice has heretofore obtained for State, county and municipal officers to deposit funds in banks, and with no thought of criminal liability; but now I am advised by some, and to the contrary by others, that it is a criminal offense to deposit the State money in banks, even though the deposit is amply secured by State bonds. So, too, I am advised that the Supreme Court has decided that a treasurer is liable on his bond for money taken from the safe provided by the Board of Supervisors by robbery by burglars; and that a State Treasurer is criminally liable, under the Code, for failing to turn over to his successor the money that should be on hand, without regard to how it got out of the treasury; and that under such circumstances the Legislature would be powerless to relieve because forbidden by Section 100 of the Constitution.

"With existing conditions of the treasury vault, and the risk of committing a criminal offense and of liability on my bond, if the money was put elsewhere, and my inability to personally run the office, I have resolved never again to occupy the Treasurer's office; and while my motives may be misconstrued by some, still I prefer the course, and hence send this my resignation.

"If the construction of the statute prevails that a deposit of the public funds in any bank, upon full security, imposed criminal liability on the Treasurer, and as the overflowing condition of the treasury practically requires, in the exercise of ordinary diligence, that the money should not be left there, and if the robbery of a bank were left, even on special deposit, would impose liability on the Treasurer's bond, and probably criminal liability on the Treasurer, then, these are consequences too grave for me to risk, as I

am now advised of their existence, not to incur such a responsibility.

Respectfully,

“(Signed)

“J. R. STOWERS.”

The resignation of Mr. Stowers made it necessary to order a special election to fill such vacancy, which I accordingly did by due proclamation directed to the Commissioners of Election of the various counties, whereupon the said G. W. Carlisle was duly elected to the office of State Treasurer, and it gives me pleasure to say that he has discharged the duties of said office faithfully and efficiently.

SECRETARY OF STATE.

It becomes my sad duty to make formal announcement to you that Col. J. L. Power, late Secretary of State, departed this life at his home in Jackson on the 24th day of September, A. D. 1901.

His love for the State of Mississippi knew no bounds, and his loyalty to its every interest was complete; his respect for its laws was reverential, and his contempt was supreme for those who wantonly dishonored and disobeyed them. As a private citizen his friendships were fervid and enduring, his enmities few, his philanthropy great and his charity sublime. In his death the State has lost one of its most public spirited and useful men, and the administration of which he was a part one of its wisest counselors.

It became my duty under the law to fill by temporary appointment the vacancy in said office, caused by the death of Col. Power, and I have the honor to report that Joseph W. Power, the faithful assistant and son of the late Secretary, was appointed to fill said vacancy until a successor could be elected.

A special election was accordingly ordered, and on the 5th day of November, 1901, the said Joseph W. Power was duly elected to the office of Secretary of State, to fill out the unexpired term of his deceased father, and I am pleased to report that the new Secretary is now administering the affairs of the office faithfully and efficiently, and his report will acquaint you with the affairs of his department.

GOOD ROADS.

The itinerary of the National Good Roads Association through the State last spring stimulated the already active demand among our people for better roads. The National Good Roads Association, in conjunction with the Illinois Central Railroad Company, ran a train laden with the most improved implements for working public roads, and gave practical demonstrations at McComb City, Oxford, Vicksburg, Natchez, Greenville, Clarksdale, Water Valley, and Jackson.

To further stimulate the improvement of our public roads, I deemed it of importance enough to call a State convention to con-

vene in the city of Jackson during the two days that the Good Roads train would be in Jackson.

Forty-two counties were represented at this convention. A permanent organization effected with Hon. J. A. Redhead, President; W. Q. Cole, Secretary, and J. J. Coman, Treasurer. Resolutions were passed looking to needed legislation. You will be acquainted with their recommendations through the President, and I earnestly recommend that you pass such laws as will further the building of better roads in the State.

STATE REVENUE AGENT.

The amounts collected by and through the State Revenue Agent and paid into the State, county, municipal and levee board treasuries for the past two years is unprecedented in the history of that office, and is ample evidence of the efficiency of Agent Wirt Adams, who has conducted all suits instituted by him with fairness and impartiality. By reference to his report it will be seen that he has paid into the State Treasury the sum of \$345,552.52, into county treasuries the sum of \$435,654.86, and into municipal treasuries the sum of \$43,930.49, and into the levee board treasuries the sum of \$3,521.59, which, together with amounts in hands of tax collectors (\$52,150.62) makes a grand total of \$1,096,958.05, less his fees.

The success of the Revenue Agent in collecting these several sums is sufficient proof of the wisdom of the Legislature in establishing this office and clothing it with wise laws. I am informed that the Revenue Agent has certain suits pending in court for taxes claimed by the State, which if successful, will considerably augment the amounts already paid into the State treasury. His report is full and complete and will put you in possession of the transactions of his office for the past two years.

There has been some important litigation by the Revenue Agent for the collection of back taxes from certain railroad companies involving the subject of exemptions from taxation claimed by said companies, whereby the good faith of the State has been called into question by some persons who are not advised of the real merits of the cases. In order that the Legislature may have a better understanding of the real issues involved I have deemed it proper and just to all concerned to submit as nearly as possible a succinct and comprehensive statement of the principles and questions involved in the litigation.

Your attention is directed to the following synopsis of the causes as decided by both courts:

The principal case—known popularly as the back tax case—was that of the Y. & M. V. R. R. Co. et al. vs. Wirt Adams, State Revenue Agent. The chief question involved in this case was whether the union of the old Y. & M. V. R. R. Co. with the old L. N. O. & T. R. R. Co. had resulted in merger or consolidation. If in merger, then the exemption from taxation remained. If in con-

solidation then, as the consolidation resulted in a new corporation, the new Y. M. & V. R. R. Co., Section 180 of the Constitution of 1890 applied, and the exemption was cut off by that section. The Supreme Court of Mississippi had held in the Lambert case, 70 Miss., that the result was merger. This case was overruled by the present Supreme Court, and the exemption consequently denied. On appeal to the United States Supreme Court this last decision was unanimously affirmed, not on any technicality, but the Supreme Court of the United States took jurisdiction, and re-examined the question independently, and then affirmed the conclusion of the present Supreme Court of Mississippi, deciding in favor of the State and against the railroad. The taxes involved were those for the year 1892 and subsequent years up to and including 1899. As the consolidation took place October 24, 1892, the railroad contended that the Supreme Court of Mississippi was wrong, at least as to the taxes of 1892, since the taxes for that year were not exigible till December 15th, though assessable February 1st. And so paying for all years except 1892, the railroad company obtained a re-argument as to the taxes of that year. On this re-argument the Supreme Court of the United States again unanimously affirmed the judgment of the Supreme Court of Mississippi, holding the railroad liable for the taxes of 1892, which the railroad company then paid. The holding of this re-hearing was that the decision of the Supreme Court of Mississippi to the effect that the taxes for 1892 were collectible was a construction of State statutes by the State Supreme Court, and hence not reviewable by the United States Supreme Court.

The second case was that of the G. & S. I. R. R. v. Hewes, Tax Collector. This case involved the question whether the exemption from taxes which had been granted by the Legislature of 1882 to the G. & S. I. R. R. had been repealed or not, even if originally valid; and also whether, being a special exemption by a special act of the Legislature to a particular corporation, and not a grant of exemption to all railroad corporations similarly situated, the Act of the Legislature was not null and void, as violating the Constitution of 1869, providing that "the property of all private corporations for pecuniary gain should be subject to taxation the same as that of individuals." The Supreme Court of Mississippi held both that the exemption had been repealed, and that the act granting the exemption was void originally, as violative of said constitutional provision. The court decided this case on the authority of opinion in Y. & M. V. R. R. Co. v. Adams, 77 Miss. The United States Supreme Court again unanimously affirmed this judgment, expressly on the first ground, that the exemption had been repealed, and intimated very strongly its approval of the second ground.

Since the last decision the railroad company has paid the taxes on Canton, Aberdeen & Nashville R. R., about \$130,000, and has dismissed its two cases in the Supreme Court, recognizing, I presume, the fact that the decision in the G. & S. I. R. R. case had

settled them in accordance with the view of the Supreme Court of Mississippi in the first back tax case aforesaid.

The Legislature will remember the effort made to secure a compromise of these taxes at the last session, and the high ground it took that if the railroad owed the taxes all should be paid, and if not, nothing should be paid, has thus been vindicated.

It will be seen also from a reading of the synopsis here given that the Supreme Court of Mississippi enjoys the very high distinction of having received the concurrence of the United States Supreme Court on every material principle involved in said cases.

SOLDIERS' HOME.

Much has been said and written of late on the subject of the State's duty to the homeless and dependent Confederate soldiers in our midst, and it is to be seen that there exists now in the public conscience a well defined certainty of conviction that a duty rests upon the State of Mississippi to establish and maintain, at public expense, a soldiers' home, where the indigent old Confederate, if necessary, may spend his few remaining days on earth free from the disturbing annoyances of want and helplessness.

In forming this conclusion as to the public wish, I have not taken counsel from that sycophantic class who seek political favor by the loud acclaim of love and loyalty toward the old soldier, but who in time of his severe needs are content to commiserate his fate rather than contribute to his wants. On the contrary, the public will is made manifest through the quiet, non-political efforts and unobtrusive methods of the patriotic women of the State, led by the Daughters of the Confederacy, whose untiring efforts and loyal sympathy have awakened the philanthropic sentiment of the State to the justice and needs of such a home.

Though there are few places, perhaps, less inviting or more cheerless than the average poor house, as they are commonly conducted in this State, yet it is reported, on good authority, that some of the disabled and dependent old soldiers have been compelled to take refuge in these hovels of misery, and to exist on what, by a strange perversion of language, is denominated public charity.

This is not in keeping with the just sympathy so characteristic of the people of Mississippi toward the needy residing in their midst, and I commend for your consideration at this session the wisdom and expediency of buying and equipping a home, where the dependent old soldier may go for succor and rest, and feel cheered back again almost into new life by the feeling of protection and support given him by his government—not as a poor house pauper, but as an honored and welcome guest of the State, which has possessed his unqualified affection and loyalty through the years even of his suffering and poverty.

I apprehend that those who have family ties and homes of their own, however humble, would not take refuge in the institution

here advocated. I anticipate, further, that the number of guests in the home would not be large. But be that as it may, the duty of the State remains the same, whether the number is likely to be great or small.

In considering the question it is proper to remember that about thirty-six years have elapsed since the war, and that the remnant of those engaged therein are fast passing away, and that within a few years at most there will be no need for a home for their accommodation.

In considering, therefore, the purchase of property for the purposes named, the length of time for its needs ought to be borne in mind, and the property should be bought with reference to location and character, so as to turn it to other valuable account to the State when it has served its purpose as a soldiers' home. By so doing the State may not only discharge a proper and becoming duty to its worthy defendants, but at the same time make a safe and even profitable investment of the money expended on the home.

There is a sentiment and an evident appropriateness in the State's ownership of Beauvoir, the home where President Jefferson Davis resided at the time of his death, not only because he was President of the Southern Confederacy, but because, also, of his intimate association and active participation in the public affairs of the State for over fifty years in the most interesting and stirring scenes of its history. It is a proper sentiment, also, that the home of their chief should be made the last abiding place of the loyal old men who followed his leadership both in peace and war.

I am advised that the property can be purchased by the State for this purpose from Mrs. Davis, the widow of the ex-president, at a price below even its actual value, and I predict that as the years go by Beauvoir will, by reason of its location and the sentiment that is attached to it, enhance in value even to the point of a profitable investment to the State. I am advised that the buildings will furnish sufficient and comfortable accommodations for the number of inmates who will likely accept the hospitalities of the home. Its location on the Gulf of Mexico, offering the advantages of healthfulness to its guests, who will be shielded alike from the winter's cold and the summer's heat, makes the property ideal for the purposes named. I recommend also the continuation of proper pension appropriation under existing law to such parties as are entitled to receive such aid and who may not elect to go into the home if established.

NATIONAL GUARD.

By reference to the report of Adjutant-General William Henry you will be fully advised on all material matters touching the State National Guard.

I desire, however, to say further, that when needed to aid the civil authorities in the enforcement of the law, the soldiers have

responded promptly to the call of the Governor and discharged their full duty with the courage becoming true soldiers. The men have manifested a most gratifying and commendable willingness to respond to the orders of their officers in every instance where localities have been threatened with riot or insurrection. When ordered under arms to await urgent and quick orders they have responded with such uncomplaining obedience and readiness for duty that their action may be claimed oftentimes to have deterred evil doers from the commission of deeds of great lawlessness and breaches of the peace.

While it may be said that the mission of the National Guard as defined by law, is to repel invasion, suppress riot, insurrection and rebellion, yet experience demonstrates that the organization's greatest usefulness and value to the State is to prevent rather than resist lawlessness.

It is a very common error to look upon the National Guard as a mere social organization which is maintained for the simple amusement and pastime of its members, when it is in fact an important and potent factor in our system of government, and is so regarded by law. Thus Section 221 of the State Constitution requires the Legislature to make annual appropriation for the efficient support and maintenance of the organization, with only one limitation imposed upon such annuities, namely, that no part of such funds shall be used to pay the soldiers except when in actual service.

Being, therefore, a patriotic functionary, volunteering its services in defense of the State when necessary, and being ready at all times to maintain the honor of the commonwealth by upholding its laws, the National Guard is entitled to a better recognition of its importance and usefulness than it is now receiving at the hands of the State Legislature.

It is highly essential to the proper maintenance of the organization, as well as to the discipline and instruction of the troops in the arts of militarism, that they be brought together for a period of common encampment at least once a year.

The Legislature, however, at its last session did not appropriate sufficient money to defray, for the two fiscal years, the necessary and actual expenses of board and transportation of themselves and equipments to and from the place of encampment. No general encampment was held in 1900, and during the past year the National Guard was forced to the humiliation of asking private aid and the donation of funds to pay in part their encampment expenses. I therefore recommend a more liberal appropriation to this branch of the State government.

BOARD OF HEALTH.

I beg to direct special attention to the report of the Board of Health which gives full and in detail the workings of that department during the past two years. It gives me pleasure to state that the physicians composing the Board are not only eminent in their

great profession, but are also patriotic citizens and men of affairs who have looked to the best interest of the State in their efforts to administer the work of their department.

It must be borne in mind, however, that they have been powerless to accomplish much toward the prevention and suppression of contagious diseases for want of sufficient funds with which to defray the expenses looking to this end. I commend to your careful consideration the subject of public health within the State, and to all such matters as properly belong to the department of the Board of Health.

I will submit, at a future day, for your consideration a communication from the State Medical Association.

CONGRESSIONAL APPORTIONMENT.

Under an Act of Congress approved January 16, 1901, entitled "An Act making an apportionment of Representatives in Congress," it is provided that Mississippi be given eight Representatives in the National Legislature. That act further provides that the Congressional Districts shall be composed of contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants, and that the said districts shall be equal to the number of Representatives to which the State may be entitled.

In view of the fact that Mississippi, by said act, is entitled to an additional Congressman, it becomes necessary that the Legislature, at the present session, shall pass a bill redistricting the State so as to comply with the provisions of said Act of Congress.

It becomes my duty, therefore, to submit the subject for your consideration, and to recommend the enactment of a proper law governing the subject-matter. I venture here to express the hope that the high record of unselfish public duty which characterized the actions of this body at its last session will be sustained and made further manifest in this work, and that the districts will be formed with an eye single to the public interest, and without reference to individual political aspirations or personal interest.

BRANCH EXPERIMENTAL STATIONS.

The Board of Trustees of the Agricultural and Mechanical College acting under the provisions of Chapter 61 of Acts of 1900, located the branch experimental Station at McNeill, on the New Orleans and Northeastern Railroad, in Pearl River County. For information regarding this matter your attention is directed to the report of Hon. H. M. Street, chairman of the committee to locate the same. From the liberal donations made by the people of that section, I feel encouraged to believe that public attention is being attracted toward practical industrial lines, and from the encouragement in the location of this station I am constrained to the belief that your honorable body would do wisely to locate other experimental stations, one in the delta, and I respectfully recommend that you consider the matter and act as your judgment ap-

proves, looking to the interest of the farming classes of our people. The difficulties encountered at McNeill will, by a reasonable appropriation from you, be overcome and place the station in position to demonstrate to our people what can be done in an agricultural way in the pine woods.

I respectfully recommend that you make appropriation sufficient to carry this enterprise to successful ends, and to locate another similar station somewhere in the Yazoo-Mississippi delta.

DISEASE OF ANIMALS.

It will be remembered that the live stock industry is of vital and growing importance to the people of the State, and yet there is no law on our statute books for the prevention, regulation or suppression of dangerous, contagious or infectious diseases among domestic animals.

A virulent and fatal epidemic of charbon or anthrax visited a section of the delta during the summer of 1901, which almost completely devastated the live stock of every kind in that locality, thus causing to their owners an estimate loss of more than \$200,000, exclusive of other loss of stock from blackleg, glanders, Texas fever, hog cholera, and other stock diseases which are more or less prevalent all the time, but which are constantly increasing with the growth of the live stock industry.

During the prevalence of the charbon epidemic I visited some of the infected places, where I witnessed the destructiveness of the disease and became convinced of the impossibility of confining or suppressing it in the absence of law or enforceable quarantine regulations, and I became furthermore convinced of the immediate importance of practical legislation on the subject.

I therefore submit the matter as pertinent for consideration at this special session, and recommend the passage of a law creating the office of State Veterinarian, and providing for a State Live Stock Sanitary Board to be clothed with authority to make and enforce rules and regulations for the protection against contagious diseases and the promotion of the health of domestic animals in the State, and to determine upon and employ sufficient and practical means to that end. I further recommend that a reasonable appropriation of funds be made to aid the said Board in carrying out the purposes for which it may be created.

STATE LANDS.

The report of E. H. Nall, Land Commissioner, for the two preceding fiscal years shows larger sums collected for the sale of lands of the different holdings of the State than for any similar period in the history of this department—which sales, exclusive of the different college lands, amount to the sum of \$182,081.33, and that he has collected \$3,540 in fees incident to the sale of said lands together with \$40 in rents, making the grand total received by him for the two years \$185,661.33.

For a number of years prior to January, 1900, the price charged for tax lands held by the State had been fixed at one-half valuation thereof, as shown by the assessment roll of 1892; but deeming it wise and greatly to the advantage of the State to change the above method of fixing the price, the Land Commissioner and I, in pursuance of the law authorizing us to regulate the selling price of such lands, have adopted the following rule governing the same, to-wit:

No State land shall be sold at less than the minimum statutory price of \$1.25 per acre. The Chickasaw school lands, statutory price, \$6 per acre. Forfeited tax lands shall be sold at their assessed value as shown by the assessment roll of 1892, except in cases where the assessed value was less than \$1.25 per acre, and except in cases where the price has heretofore been specially fixed by the Governor and Land Commissioner.

As a rule the lands usually forfeited to the State for non-payment of taxes were at the time of sale unappreciated, and considered of small value, and consequently listed to the assessor correspondingly low. The operations of the present rule have in some instances quadrupled the price received for land sold, over the former plan referred to, without seeming to discourage or lessen the sales.

I quote from a report made to me by Commissioner Nall on this subject, in which he says:

"The sales of land for the past two biennial periods are as follows:

1898 and 1899	\$ 91,470 54
1900 and 1901	185,661 33

"It will thus be seen that the sales for the past two years, 1900 and 1901, more than double the sales for the two preceding years, mainly due to the better prices secured by judiciously advancing the figures to correspond with the actual value of the lands."

The affairs of this department have been carefully and wisely managed by Commissioner E. H. Nall.

I beg to commend to your favorable notice the request by the Land Commissioner for an amendment to the law, transferring to his said department all the records pertaining to tax lands heretofore kept in the Auditor's office, and to require tax collectors hereafter to certify to his said department the lists of all lands forfeited to the State for the non-payment of taxes, to be listed and recorded in his said department, with authority to deal with same in all matters of redemption, instead of by the Auditor of Public Accounts.

SCHOOLS.

Under the term "Common Schools" are embraced all the schools of the State to which the general fund appropriated by the Legislature for free schools is distributed. These schools are di-

vided into two classes, namely: Separate school districts and rural schools.

The report of the State Superintendent of Education, recently issued, shows that 74 of the towns in Mississippi are organized into separate school districts, and it is gratifying to report that they, as a rule, have commodious, handsome and suitable buildings, and that during the scholastic year ending 1900, the enrollment was approximately 34,000, and for the year 1901 they enrolled in the aggregate 35,736 pupils. The average number of days taught in said schools during the last scholastic year was 163.3, or more than eight scholastic months. It further appears from the Superintendent's report that the total amount of money collected for these schools for the last scholastic year was \$412,449.83, and I estimate the same amount for 1900. These are gratifying statistics, and show that the citizens of the towns are progressive, and are keeping well in the van of the great educational movement now in progress in this country. It will further appear from the above that the approximate per capita per annum of all the funds received was \$11.55 on the total enrollment.

It may be interesting to extend this line of statistics to the State colleges for the last two years. The average amount per capita per annum expended on the students enrolled in these institutions for the last two years was as follows:

State University	\$129 54
Agricultural and Mechanical College.....	74 33
Industrial Institute and College.....	68 95
Alcorn Agricultural and Mechanical College.....	51 48

Add the appropriations of the last session of the Legislature for repairs and improvements on these institutions, the above figures will stand:

State University	\$196 60
Agricultural and Mechanical College.....	123 00
Industrial Institute and College.....	104 63
Alcorn Agricultural and Mechanical College.....	58 79

The approximate total enrollment in the rural schools for the scholastic year 1900 and 1901 was 691,742, which would make a per capita allowance out of their share of the \$2,000,000 appropriated by the Legislature for the said two years of \$2.62 per annum. The average number of days taught in these schools was 90, and there were employed in them during the year 1900 approximately 7,420 teachers, and during the year 1901, 7,805 teachers. It will thus be seen that the average salary paid to these teachers per annum out of the State common school appropriation for the two years was only about \$119 each, or \$24.25 per month for the school term of four and one-half months. It will be remembered, however, that some of these counties also derived assistance from the Chickasaw school fund, and others supplemented the State allowance by county levies, and other sources, thus increasing the

school fund above the State appropriation, and hence increasing to some extent the general average paid to teachers, as will appear from the State Superintendent's report.

I have not at hand the exact data from which to make all of the above calculations, but I think they bear sufficient relative and approximate correctness to serve the purpose for which they were intended, namely, to illustrate the disparity in amounts of public funds which go to the maintenance of the rural schools, as compared to the State's other educational institutions.

I heartily approve the liberality manifested toward the State's colleges and separate school districts and glory in the success of these institutions, but I desire to enter a special plea in behalf of the country schools. History has fully shown that the diffusion of education among the masses is one of the greatest sources of material prosperity to any commonwealth, and that where moral and intellectual advancement have kept pace with the progress of the times, happiness has been most generally distributed, and the higher wants of man more adequately provided for. It is proper to mention in this connection that in the rural schools are to be found 89½ per cent of our educable children, who are to become so large a portion of the citizenship of the State. The vast majority of these children will never attend any other schools than these, and so with an average term of only 90 days they must, in the very nature of the case, grow up without proper education. We have an army of faithful, conscientious public school teachers, many of whom can not afford to follow teaching strictly as a profession, but must supplement their meager earnings from that source, or else go unsupplied with any of the comforts and half the necessities of life. These teachers, though overworked and half paid, render the State a service which none can gainsay, and which I trust the Legislature will see fit to recognize by increasing the appropriation for the public schools so as to provide better salaries and longer terms. I recommend that this be done, even though the Legislature finds it necessary to economize expenditures along other lines of public work.

It is my opinion that the Legislature should be vested with the power to require the several counties to levy a tax to be used in addition to the State appropriation for the maintenance of their respective schools for a longer term than four months. Section 206, however, of the Constitution seems to leave it optional with any county or separate school district to make such a levy or not; and I take the liberty of suggesting to the Legislature the wisdom of submitting an amendment to said section, giving the Legislature authority to require such supplemental aid by the counties, to be voted on by the people.

I direct attention to the fact further that Mississippi has made no provision for a normal or training school for its common school teachers. It is now a well recognized fact by all that the training of the children of the State should be in the hands of teachers possessing not only good common school educations, but who have

that professional training which will enable them to develop systematically, methodically and intelligently the minds, bodies and characters of the children. To secure this end it is highly important that the teachers receive technical training, and I would recommend that a State training school for teachers be established, as recommended by the State Superintendent, so planned and conducted that the humblest of our country teachers might be able to get, at the lowest possible cost, that instruction which would prepare them for their great work.

The State Superintendent has recommended in his report to you the advisability of ordering an enumeration of the educable children in 1902. His request has been numerously seconded by county superintendents of education, and I submit the subject to you for such action as you deem expedient in the premises.

STATE UNIVERSITY.

The reports of the Board of Trustees of the State University show an enrollment, including post graduates, of 287 students for session 1899-1900, and of 260 for the session 1900-1901.

In the summer terms of the University, maintenance for which was generously provided by Mrs. Fanny J. Ricks, of Yazoo City, Miss., 69 students attended in 1900, and 141 in the summer of 1901.

I am advised that the present session of the University began under most auspicious surroundings, and is characterized by a good attendance, most excellent work and harmony and good feeling between students and faculty.

Throughout its history the University has maintained a deservedly high reputation for thorough training and high scholarship. The present scope of its instruction includes academic courses, a school of law, and engineering courses, but very properly no preparatory department. There has been, in late years, a marked growth in the extent of its work and usefulness.

In a letter and memorial to the Governor and Legislature, the Board of Trustees set forth the affairs of the University in detail, and show also its needs.

The enlargement of its work, as well as the proper provision for its necessary current expenses and for such suitable equipment as will make the institution efficient and thorough should receive the careful attention of the Legislature. I commend a reading of the report of the Board of Trustees, showing the needs of the college, and from which it will be seen also that new electric and steam heating plants have been added to the institution, as provided by Chapter 16, Acts of 1900.

AGRICULTURAL AND MECHANICAL COLLEGE.

The present marks an epoch in the affairs of the Agricultural and Mechanical College not approximated in its history. The en-

rollment for the session ending June, 1900, was 386, and for the session of 1901 was 516.

At your last session you made appropriation for a textile department for the training of young men in the manufacture of the chief product of our State, thus bringing about a new industry and awakening the people to the possibilities likely to result to the State from the manufacture of cotton in our own midst into fabrics. It is with pleasure that I point to the model building and well equipped textile department now organized at the college. The Board of Trustees have been careful in expending the money appropriated for the purpose of inaugurating this much needed technical training, and while they have exceeded the said appropriation, it will be found upon investigation that the State has a building and equipment far in excess of the amount expended. Too much can not be said in praise of the possibilities resulting from this new department of the college. It is a well known fact that every cotton mill erected in the South has in the past been forced to go to New England for its operatives and depend upon them for success. Under the system inaugurated at the A. & M. College our boys can be trained in the technical branches of cotton manufacturing and become thoroughly equipped to take charge of any branch of that industry, thus giving employment, at good salaries, to the graduates of our school. I invite your attention to the report of the Board of Trustees and of the Director of the textile department for further information regarding this matter.

The full and comprehensive report of the Board of Trustees, with that of the President, will acquaint you with the conditions and wants of the college, as well as its broader plane of usefulness, and I respectfully recommend the suggestions therein made to your consideration for such legislation as your wisdom approves.

Since your last session Mr. J. J. Coman, who was appointed by the Board of Trustees to sell the lands donated by the Government to the State, for the use and benefit of the college, succeeded in selling said lands for the sum of \$138,571.90.

INDUSTRIAL INSTITUTE AND COLLEGE.

Under the successful management of President A. A. Kincannon, the college, since the last adjournment of the Legislature, has passed through two of its most prosperous and successful years.

The President and his corps of teachers, who are consecrated to the college, are doing a great work in the education of the girls of the State.

There were in attendance during the session of 1899-1900 395 young ladies, and for the session 1900-1901 there were 475 in attendance, while more than 500 are enrolled for the present term.

The constantly increasing attendance upon the college is evidence of emphatic approval by the people of industrial training of the girls of the State, and of the aims and purposes of the institution.

Since the last sitting of the Legislature a new handsome and very modern additional dormitory has been added, a modern up-to-date brick hospital erected; the system of heating and plumbing throughout the buildings has been much improved and extended; the fencing and grounds greatly improved and beautified, besides many other improvements and repairs which will be made known to you by the President in his report.

The money appropriated for the institution will all be properly accounted for in the reports of the Board of Trustees and President, to which your attention is directed.

I commend to your favorable consideration all the needs of the institution which will be brought to your attention by the reports of the Trustees and President as aforesaid.

ALCORN AGRICULTURAL AND MECHANICAL COLLEGE.

The affairs of the institution have been conducted without serious friction for the past two years, and the present session marks an improvement not excelled in the history of the college. The President's report discloses the fact that the negroes are appreciating the advantages offered by this college, for their training along industrial lines as never before, and the attendance bids fair to overtax the capacity of the present dormitory room, which is already much crowded.

The report of the Board of Trustees will acquaint you with the necessities of the college and of the expenditures of the money last appropriated, and I most respectfully invite your attention thereto.

The Trustees of this institution, following the example of similar ones in other States, and of our own State University and white Agricultural and Mechanical College, recently passed an order for the admission of girls to said institution, and to that end a contract was subsequently let by the Board for the erection of a suitable dormitory for their accommodation, and you will be asked to make appropriation to pay for said building. As above stated, there is ample precedent for the action of the Board in this regard, and this action should be well received and approved by both the Legislature and the people.

Though education is the natural right of all, and though volumes have been written to prove the necessity for the enlightenment of the masses, and to show that the progress of all countries is immediately dependent upon and directly proportioned to the intellectual and moral advancement of the citizenship, and though the experience of all countries confirms what has thus been written, yet history proves also the fact that no race of people was ever brought up to those standards of morality and social decorum, so indispensable to good citizenship, by educating only the men and withholding from its women those means by which intelligence is fostered and virtue exalted. It must be admitted that social and moral improvement is the hope of the negro race, and as proven by the experience of all the past such reforms must begin with the

wives, daughters and mothers, in the chastity and sanctity of the home.

The State has not hitherto furnished any school for the higher education or industrial training of negro girls, and it was to meet this need, so far as possible that the board of trustees of the Alcorn College decided to admit them into said institution, and I recommend a suitable appropriation for the dormitory aforesaid.

STATE NORMAL SCHOOL.

This institution is doing good work in the normal training of negroes. Its graduates find employment and show most excellent training. The appropriation made to the school is small, but brings good returns. The board of trustees is watchful of all the interests of the school, and looks well to the proper expenditure of funds appropriated. I recommend the usual appropriation.

INCREASE OF SALARIES.

True governmental policy requires the selection of those for office who are not only good men and true, but who are possessed also of superior efficiency and fitness for the responsible trusts they are called on to discharge. To insure the services of such men the government must be liberal and just in its compensations. Preference and selection by one's countrymen to office is an honor that is pleasing to most men, and by reason of such distinction many will make sacrifices of private interests to accept official preferment, provided the loss is not too great to them. But the fact that men are willing to accept office on small pay is no excuse to the State for not giving what their services are properly worth, and for obvious reasons is contrary to wise public policy not to do so. That "the laborer is worthy of his hire" is an adage which finds application no less to the public official than to those engaged in private enterprise. I beg to suggest that in my humble judgment the State officials, Supreme and Circuit Judges, Chancellors and District Attorneys are not sufficiently compensated for the very laborious and responsible work which they perform for the State. It should be the desire of all Mississippians that those whom they select for the highest official and judicial places in their government should receive such liberal remuneration for the high services they render as would yield to them at least such an easy and comfortable living as would exempt them from embarrassment.

I submit that the salaries now paid the above named officials are insufficient to meet the financial demands upon them, incident to an independent and comfortable livelihood for themselves and families and the education of their children.

I commend the subject for the increase of salaries to the Legislature at this session, and in doing so it can not be said that I am actuated by any selfish concern, for it will be remembered that the

Governor is forbidden by the Constitution to either succeed himself or to receive any increase of salary during his term of office.

INSTITUTE FOR THE BLIND.

The attendance at this institution for the past two years has been up to the standard, and its affairs have been conducted with wisdom and economy. The appropriation of \$4,000 made by your honorable body for the erection of accommodations for the colored blind children was not used, for the reason that the Board of Trustees found that a suitable building could not be erected for the said amount, and they wisely decided that it was best not to expend the money at all, rather than erect a building too small and insufficient for the needs of the institution.

The superintendent and teachers are working in harmony and doing most excellent service in the education and training of the blind in various lines of industrial work. It gives me pleasure to report that Dr. Sims, the superintendent, is an eye specialist who has achieved much success and distinction in that line of work, and has had the proud satisfaction of having restored a number of his pupils to sight, some of whom, I am advised, have been discharged by him and are in attendance upon the common schools with seeing pupils.

The report of the Board of Trustees, with that of the superintendent, will inform you of the needs of the institution, and I recommend that proper appropriation be made for its support and maintenance.

DEAF AND DUMB INSTITUTE.

This institution has, during the past two years, sustained its former record in the training and education of the deaf youths of the State.

It will appear from the report of the worthy superintendent that the attendance in the institution is the largest in its history, and I am pleased to report that harmony and good feeling prevails therein and nothing has occurred since the last session of the Legislature to detract from the splendid reputation heretofore enjoyed at this school. On the contrary, it has, under the able management of Superintendent Dobyne, aided by his corps of faithful and efficient teachers, continually advanced to a higher plane of work and usefulness. It is needless for me to dwell upon the importance of the institution or the duty of the State to those who attend it—both are self-evident—I therefore recommend an appropriation for its support and maintenance for the next two years.

EAST MISSISSIPPI INSANE HOSPITAL.

The arduous duties imposed upon the Governor have prevented my visiting this institution as often as I would like during the past two years, but I feel justified in saying that its affairs have been

administered with care and prudence by the Board of Trustees, who have been watchful in the expenditure of the appropriation, and that the medical superintendent has performed his duty with eminent satisfaction. I commend to your reading the reports of the Trustees and Superintendent, which are full of interest and which will acquaint you in detail with the necessities and affairs of the institution. Such recommendations as are made for the more efficient management and care of the unfortunates should receive your honorable consideration.

STATE INSANE HOSPITAL.

Being personally familiar with the affairs of this institution, enables me to say that they have been conducted for the past two years with wisdom and economy. The total number of patients received during the year 1900 was 1,074, and during the year 1901 was 1,249. The daily average during the year 1900 was 876.2, and for the year 1901, 978.6, and yet the average cost of maintenance of each patient has been reduced from \$110.39 for the year 1900 to \$100.03 for the year 1901 without detriment to the patients or lessening their comforts. This speaks well for the Superintendent, Steward and Board of Trustees, whose care over the institution has been vigilant and wise.

The Board of Commissioners, created by Chapter 8 of the Acts of 1900, have faithfully executed the trust imposed upon them, and have completed two large annex buildings, sufficient for the accommodation of 420 additional patients in a most satisfactory manner, and at a price to the State far below the most sanguine expectations.

The report of the Medical Superintendent and Board of Trustees is complete, and will acquaint you with the needs of the institution, to which I invite your careful and favorable consideration.

CHARITY HOSPITAL.

The well established reputation of the hospital at Natchez and the Charity Hospital at Vicksburg for economy, good management and skillful and successful work furnish sufficient guarantee of continued good results to merit favor at your hands. The reports of their worthy superintendents will acquaint you with the work done in said institutions and their respective Boards of Trustees will make known their needs of money.

LOUISIANA PURCHASE EXPOSITION OF 1903.

The Louisiana Purchase Exposition, which is to open in the city of St. Louis, Missouri, in 1903, promises to be one of the most extensive and comprehensive exhibits of modern times of the natural possessions, scientific and industrial progress of the age, not only of the States of this Union, but of foreign lands as well.

There is perhaps no section which possesses more varied and natural resources than Mississippi, or which offers greater inducement to capital seeking investment, or the immigrant hunting a home, and yet the State of Mississippi has never seemed to fully appreciate the importance of incurring expense in the advertisement of these facts to outside world, while other States not so well endowed by nature with the rich gifts of soil, timber, mineral and climate have made themselves rich and populous by properly proving their possessions on such auspicious occasions.

Just at this time, when the public eye seems to be watching more intently than ever before the rich undeveloped possessions of the State, I submit that so favorable an opportunity for advertising Mississippi as will be offered by the St. Louis Fair should be accepted as a great auxiliary force toward quickening her growth and greatness.

I therefore recommend the passage of a suitable bill providing for a becoming exhibit of the State's wealth and resources, and that an adequate appropriation be made therefor.

PROCEEDS OF SALE OF LANDS DONATED TO THE STATE FOR THE USE
OF UNIVERSITY AND COLLEGES.

The proceeds of the lands sold for the use and benefit of the University, Agricultural and Mechanical College, Industrial Institute and College and Alcorn Agricultural and Mechanical College upon which you are required by Section 212 of the Constitution to pay six per cent interest, is as follows, to-wit:

Amount to the credit of the University.....	\$134,668	24
Amount to the credit of Agricultural and Mechanical College	141,532	55
Amount to the credit of Industrial Institute and Col- lege	156,488	75
Amount to the credit of Alcorn and Mechanical Col- lege	96,296	27

All these amounts have been placed in the State treasury to the credit of the several institutions as required by Chapter 46 of the Acts of 1898.

MISSISSIPPI BOUNDARY COMMISSION.

On February 9, 1901, I appointed the following named gentlemen as Commissioners to confer with a like commission appointed by the Governor of Louisiana to consider the water boundary line between the two States, and arrange for the easy location and identification of the same by a proper system of buoys, to-wit:

Hon. J. I. Ford, Scranton, Miss.

Hon. E. J. Bowers, Bay St. Louis, Miss.

A. Keller, Bay St. Louis, Miss.

Hon. W. A. White, Biloxi, Miss.

Hon. H. T. Howard, Biloxi, Miss.

This commission met at Biloxi and elected H. T. Howard chairman and J. I. Ford secretary. Their report, which is transmitted to you, will acquaint you with the whole matter, and from which you will find that they suggest a friendly suit in the Supreme Court of the United States as the best method to fix the true boundary between the two States. I submit the matter for such legislation as in your judgment is best.

COMMISSION APPOINTED TO ASCERTAIN AND DETERMINE THE POSITIONS OCCUPIED BY MISSISSIPPI TROOPS IN
DEFENSE OF VICKSBURG.

Under the provisions of Chapter 37 of the Acts of 1900, page 33, I appointed the following gentlemen as commissioners to ascertain and determine the positions occupied by Mississippi troops in the defense of Vicksburg, to-wit:

4th Infantry Regiment—T. M. Murphree, Pittsboro.

35th Infantry Regiment—Redus McCoy, Scooba.

36th Infantry Regiment—W. M. Roberts, Nettleton.

37th Infantry Regiment—J. F. Parker, Ellisville.

38th Infantry Regiment—J. H. Jones, Woodville.

40th Infantry Regiment—J. H. Carroll, Starkville.

42d Infantry Regiment—J. H. Burrell, Carthage.

43d Infantry Regiment—J. O. Banks, Columbus.

46th Infantry Regiment—S. R. Martin, Vicksburg.

Third Battalion—J. M. Knight, Crosby.

5th Regiment Mississippi State Troops—S. E. Bass, Carley.

Mississippi Partisan Rangers (Company)—W. A. Ward, West Point.

1st Mississippi Light Artillery—J. L. Power, Jackson.

Batteries of same:

A—Col. C. E. Hooker, Jackson.

C—Capt. W. T. Ratliff, Raymond.

D—Col. J. G. Hamilton, Durant.

E—J. B. Simpson, Poplar Creek.

G—W. L. Herrin, Monroe.

I—Robert Bowman, Yazoo City.

L—Geo. H. Tompkins, Vicksburg.

14th Mississippi Light Artillery Battalion—W. W. Perkins, Batesville.

One battery of same—C. B. Vance, Batesville.

Hudson's Mississippi Battery—E. S. Walton, Sardis.

The commission met in the city of Vicksburg on the 15th day of May, 1901, and the full report is submitted for such action as in your judgment may seem proper.

STATE LIBRARY.

From the report of the State Librarian you will learn that the already vast collection of legal, scientific and literary works are being continually added to until there is no room to conveniently arrange them.

The Librarian has made a complete catalogue and index of the library, and has performed her duties with ability and satisfaction.

The report of the Librarian will disclose the needs for the next two years.

ASSESSORS.

In December, 1900, the Auditor informed me that the appropriation made by your honorable body for payment of county assessors had been exhausted, and that \$1,000 was due H. S. Carpenter, Assessor of Perry County, and that \$834.64 was due E. S. Jeffries, Assessor of Claiborne County. Their rolls were full and complete, duly accepted and approved by the Board of Supervisors and filed with the Auditor of Public Accounts. Recognizing the injustice of their having to wait until your meeting in January, 1902, I paid these claims out of the executive contingent fund, taking their receipts therefor.

NOTARIES PUBLIC.

Section 3040 of the Code provides that the Governor may appoint one or more notaries public for each city or town. Section 3047 of the Code makes all Justices of the Peace and Clerks of the Circuit and Chancery Courts notaries by virtue of their offices and clothes them with all the powers belonging to the office of notary public. Clerks and Justices of the Peace are constitutional offices forming a very important part in the official system of the State which can not be dispensed with. These officials are but poorly paid at best, but when a large percentage of the fees which they might earn are divided by notaries public a hardship is thus wrought upon the occupant of the said constitutional offices.

I therefore recommend that said Section 3040 of the Code be so amended as to authorize the appointment of notaries only in places where there is neither Justices of the Peace nor Clerks of the Court.

NEW STATE HOUSE.

I beg to report that under the provisions of the Act of the last session of the Legislature to create a State House Commission, and to provide for the building of a new State House, I appointed Prof. J. C. Hardy as the Commissioner which the act authorized the Governor to appoint, and that in pursuance of the nomination of P. A. Rush, Esq., by the Senate, and W. G. Stovall, Esq., by the House of Representatives, the said nominees were appointed by me as members of the State House Commission, and all of the said appointees, together with the Governor and Attorney General, duly qualified as such Commissioners.

Under the authority conferred by Section 6 of the Act, L. T. Fitzhugh was appointed by the Governor as Secretary of said State House Commission.

After due organization, as aforesaid, Commissioner J. C. Hardy was elected by the Board of Trustees of the Agricultural and Mechanical College of Mississippi to the Presidency of that institution, to fill the vacancy caused by the death of President John M. Stone, and on the 7th day of April tendered his resignation as a member of the Commission to assume his new duties with the college, thus creating a vacancy on said Commission; whereupon I appointed R. H. Thompson, Esq., as his successor.

I have to make known also that on the 3d day of September, 1901, Commissioner P. A. Rush resigned from said Commission, and that on the same day I appointed Hon. R. A. Dean in the place instead of Mr. Rush. Both of said appointees qualified as required by the act.

J. F. Barnes, an eminent contractor and builder of Greenville, Miss., was duly elected under the provisions of said Act by the Commission as its advisory or confidential superintendent of the work on the building, and has made full and comprehensive reports on all matters referred to him by the Commission for inspection or investigation, and has made a general written report on the progress and manner of work at each meeting of the Commission.

The Commission, in pursuance of the provisions of the Act aforesaid, gave notice by publication in newspapers for a competitive architectural contest before said Commission for the best set of plans and specifications for the Capitol to be erected, and in response to such notice or call, fourteen architects entered the contest and submitted plans.

The Commission gave the plans and specifications of each competitor the most careful and analytical study and inspection of which the members were capable, aided by the authors of each plan respectively, but when the Commission had thus gone through with all of the plans it found so much of apparent excellence in each that it was unable, owing to its inexperience, in such work, to decide which of the competitors came best up to the requirements and needs of the State. It deemed it wise, therefore, and to the interest of public safety, to call into consultation an eminent and disinterested builder for counsel on the merits of the plans submitted, and accordingly procured the services of Mr. Bernard H. Green, of Washington, D. C., who stands at the head of his profession and enjoys a national reputation as a builder, who made, in connection with the Commission, a close and thorough study of all the plans and specifications, including the cost of erection. After such review and study of all the plans by Mr. Green, he reported in favor of the one submitted by Architect Theodore C. Link as being the best, both as to scheme and general utility for a State House. The Commission thereafter adopted the plan and specifications of Mr. Link, and gave due notice by

advertisement to let the contract for the building according to the plans and specifications thus adopted.

On the day fixed by the Commission and named in the advertisements sealed bids were filed with the Board, being twelve in number, which were opened and examined in regular session.

Upon inspection of said bids the Commission found that all were higher than justified by the appropriation, and that it was necessary to make alteration in the original specifications in order to bring the cost of the work within the range of the money available. Whereupon, Architect Link, by authority and under direction of the Commission, made changes in the specifications, discarding certain expensive material specified for interior decoration work, substituting therefor equally substantial but less costly materials—for example, providing the use of domestic marble instead of the costlier grades of foreign material, and other changes of like effect on the cost of inside decoration work. The changes ordered do not affect the size, shape or usefulness of the building, but the original design and plan will, in all the substantial and material particulars, be carried out in the completion of the building.

All the original bids aforesaid were rejected, and the said bidders were invited to submit bids for the contract with the modified specifications as aforesaid, and bids were accordingly submitted, when it was found that Messrs. A. E. and W. A. Wells were the lowest bidders. The contract was accordingly awarded to them on their bid of \$833,179. Before making contract with them the Commission was in possession of satisfactory testimonials as to the financial ability, integrity and thorough competency of Messrs. Wells to carry out their contract and erect the State House according to plans and specifications. Before entering upon the work they gave the required bond, and it gives me pleasure to say that they have conducted the work in a most competent and satisfactory manner, fulfilling the requirements in all particulars, thus sustaining their reputation as honest and competent contractors and builders.

Before preparing the foundation plans and specifications the architect made preliminary test, boring to the depth of ten feet to obtain information as to the character of the sub-soil for the foundation of the building. Said borings showed suitable and substantial clay to a depth which seemed sufficient for the bottom of the foundation, and in preparing the specifications therefor the said boring tests were employed to determine what should be the depth of the trenches and the width and thickness of the foundation walls, and the contract was let upon data thus obtained. But subsequently when the contractor had cut and removed the dirt from the trenches to the depth named in the specifications and in his contract, it was discovered to the great discomfiture of all concerned that the clay stratum, suitable for a foundation, did not extend to a sufficient depth below the bottom of said trenches to insure a safe foundation, and that there was an underlying stratum

of marl and treacherous earth highly susceptible to the influences of both moisture and drouth. Notwithstanding the contract was let for the erection of the building at a fixed sum, the Commission was unwilling to risk the foundation in the soil aforesaid, or to hazard any chances on the ultimate strength and success thereof, but felt serious embarrassment on account of the financial situation that confronted them, but because of this unforeseen large additional outlay of money that would be necessary to secure such strength of foundation as the size and needs of the building called for.

It will be borne in mind that the contract of W. A. & E. A. Wells extended only to the erection of the house, but did not include the items of cost incident to the work of heating and lighting or the furniture. In awarding the contract therefor the Commission was not unmindful that \$1,000,000 was the maximum for expenditure on the building complete, including the above named items. Before awarding any contracts the Commission endeavored to make reasonable and conservative estimates of what would be the cost of each part of the work so as to bring the whole of the expenditures within the amount appropriated by the Act of the Legislature aforesaid. And in pursuance of this plan the changes in the specifications hereinbefore enumerated were made in order to lessen the cost of the building proper, and to reserve out of the appropriation sufficient funds for the other purposes named in the bill. It will be seen that the amount thus relied on to pay expenses and for heating, lighting and furniture was the sum of \$166,821, which amount was deemed a reasonable margin to cover same.

The Commission has from the beginning been vigilant in its efforts to maintain the greatest possible economy throughout the entire scheme, and to prevent the "extras" so much to be feared and guarded against in a building of this magnitude, and was very much surprised and perplexed when it was found that the tests of boring into the soil, which have usually proven a safe and sufficient precaution, had failed to reveal the true conditions of the foundation soil. But the contract having been irrevocably let and the work under headway when these discoveries were made, there seemed to be no alternative left the Commission except to go forward and use a portion of the money designated above as the reserve fund, to meet the necessary additional cost on the foundation. To the end, therefore, that the most rigid economy be practiced in the premises, and thereby to create as light demand as possible on the reserve fund, the Commission made a special and supplemental agreement with the contractors Wells to do the entire foundation work for the actual cost thereof, plus five per cent of such cost, to compensate them for their superintendence of the work; but even with this economy the additional work of the foundation has increased the cost of the building \$38,952.09 above the price covered by the original contract with the Messrs. Wells, and makes a cor-

responding reduction from the remainder of the funds, or the reserve estimated for the remainder of the work above named.

That the Legislature may get a more comprehensive idea of this unexpected and additional cost, I beg to say that it became necessary to deepen the foundation trenches below the original contract specifications of six feet, or to an ultimate depth of 25 feet, and to widen the same to nearly twice their original width, or to a final width of 17 feet, and that the cost of the change was increased not alone by the cubic yards of dirt removed, but also by the very considerable additional amount of concrete necessary to fill up this increased trench space. An inspection of the building and floor plans with its great amount of foundation space under the outside walls, together with the numerous cross sections and inside foundations, will serve to furnish an object-lesson of the vastness and importance of the work now done on the foundation.

At a recent meeting of the Capitol Commission the contract for steam fitting and ventilation was awarded to Frank J. Butler, of Greenville, Miss., at and for the price of \$26,577, his being the lowest and best bid submitted. At the said meeting sealed bids were also received for putting the electric wiring system in the building, and the Frank Adams Electric Co., of St. Louis, Mo., being the lowest bidders, received the contract at \$13,200.

The thanks of the Capitol Commission and of the Legislature are due to the Illinois Central Railroad Company for its generous and courteous treatment throughout the progress of the work, and especially for building at its own expense a track from the main line to the Capitol building, whereby all freights are delivered on the grounds without additional charges. To better understand this service rendered by the railroad company it is proper to say that the estimated difference in hauling with teams the building material from the main line and the delivery on the grounds by rail under the present arrangement would amount to fully \$100,000, and would have necessitated a year or more of time for the completion of the building. The track having been arranged for, between the Commission and the said railroad company prior to letting the contract, the Commission was enabled to guarantee to the contractors this great saving of expense in delivery of material, and it felicitates itself and the people of the State that at least \$100,000 was saved and put in the building itself.

The Capitol Commission will submit to you a full report of its doings, and make known to you all the needs of the enterprise, and I specially recommend the careful consideration by you of all the suggestions and requests contained in said report, and ask you to take such action thereon as your judgment approves.

ATTORNEY GENERAL.

It gives me pleasure to bear testimony to the efficiency with which this officer has discharged the laborious and difficult affairs

of his department. Every interest of the State coming within his line of service has been faithfully looked after and guarded by him.

His report will show a full compliance with the requirements of Section 187 of the Code, and will acquaint you fully with all matters pertaining to his office.

I direct the attention of the Legislature, for such action as its wisdom approves, to the following subjects recommended by the Attorney General in his report, to-wit:

"Codification of the Laws," "Trusts and Combines," "Saving Clause," "Fees and Salaries," "Taxes," "Privilege Taxes," "Statistical."

STATE AUDITOR.

The business of this department is conducted in a most systematic, comprehensive and businesslike way, and the report of the Auditor shows in full and clearest detail all the information, material in his department, which is important for the Legislature to be advised of.

Your attention is respectfully directed to the recommendations of the Auditor of Public Accounts relative to the revision of insurance and banking laws, and to the establishment of a department in charge of a commissioner who shall have power to examine and supervise all insurance, banking, building and loan and other corporations, associations or orders doing business in this State. I heartily concur in his suggestions and submit them for your consideration. It is imperative, in my judgment, to have the laws on these subjects so simple, plain and easy of construction as to at once inspire confidence. The substantial and continuing increase in the number of banks, the large number of fraternal and assessment orders now operating in Mississippi without supervision from any source, the growing demand for sound and solvent insurance of all kinds, and the total inadequacy of our present laws, as demonstrated by recent events, make it clear that the time has come for the enactment of necessary laws regulating these matters and the establishment of a department charged with their proper enforcement.

Nearly every State in the United States has such a department, but Mississippi stands with the few which have not, and it is quite difficult to know just what our laws are, because some are found in the Code chapter on "corporation," some in the chapter on "insurance companies," others in "crimes and misdemeanors," and still others in the various Acts of the Legislature since the Code of 1892.

We have practically now no laws on banks and banking. Again, some insurance companies are required to report to the Auditor and others to the Secretary of State, while foreign building and loan associations report to the State Treasurer, and debenture companies, local building and loan associations, fraternal or-

ders and other corporations and associations are amenable to no department or person.

Other recommendations contained in the Auditor's report will perhaps be submitted for the consideration of the Legislature during the session.

PENITENTIARY.

Under the direction of an act passed by the last session of the Legislature ordering the removal of the penitentiary from the city of Jackson, so as to turn over the grounds to the Capitol Commission, on which to erect the new State House, the brick walls around the said grounds, together with the principal buildings, were by the Board of Control, with prison labor torn down and removed.

Under the present farming system by the Board of Control, the State has operated fifteen plantations, being respectively in Rankin, Hinds, Issaquena, Sharkey, Holmes, Washington, Bolivar, Coahoma and Quitman Counties, and the prisoners have been distributed among the said plantations.

So far as I have been able to ascertain, the convicts have been well fed and clothed, and have not been treated with undue severity; but I have to admit that by reason of the numerous duties which are imposed by law upon the Governor, it has been utterly impossible, though Chairman of the Board of Control, to give such personal attention to the convicts and penitentiary as would be necessary to properly understand the detailed workings of its affairs, on the various farms lying in nine different counties. I have made, however, such pilgrimages to the farms as my limited time would permit, and from such information, and that obtained from the warden, I feel justified in saying that the present system under which the convicts are worked is just to the prisoners and profitable to the State.

For a detailed statement of the business transactions and financial affairs of the penitentiary, I beg to refer you to the reports of the Warden and the Board of Control.

PRIMARY ELECTION LAW.

Section 241 of the State Constitution says: "The Legislature shall enact laws to secure fairness in party primary elections, conventions or other methods of nominating party candidates."

I beg to call the attention of the Legislature to the fact that the existing statutes on the subject do not meet the constitutional requirements or amount even to respectable makeshift.

I had the honor to direct your attention strongly to this subject at your session in 1900, and I beg again to call attention to what I then said.

GOV. JOHN M. STONE.

I have the painful duty to report that on the 26th day of March, 1900, Gov. John M. Stone departed this life at Holly Springs, Miss.

For more than a quarter of a century prior to his death the influence of the great mind and superb character of John Marshall Stone was a prominent and positive factor in all of the varied important public affairs of the State. In every walk of his eventful life, whether as soldier, legislator, private citizen, Governor or College President, he was the exponent of the highest type of intrepid public and private manhood. Perhaps no man ever lived in Mississippi who possessed more unanimously the esteem and confidence of his countrymen, and though firm, aggressive and positive in conviction and demeanor, there were none who dared impugn his motives or question his honor. By his stainless character, his zeal as an advocate and champion of the rights of the people and his distinguished public services in peace and war, he was one of the most prominent and conspicuous men of his State and section.

CONCLUSION.

It gives me pleasure to say that it is manifest in the State that there exists a better recognition of the mutuality of interests among all classes, and that there is a more fraternal feeling among the people generally than I remember to have ever before witnessed. There exists also absolute friendliness between labor and capital and a becoming liberality of sentiment by the masses toward corporate and other investments of money in our midst.

The progressive spirit displayed by your honorable body at the session in 1900 seems to have inspired the people with new hopes and to have given fresh impetus to all manner of business enterprises in the State.

For the past two years the capital incorporated, on which the required charter fees were paid, amounts to the handsome sum of twenty-six and one-half millions of dollars. Banking capital during said period has increased about \$6,000,000; ten or a dozen mills for the manufacture of cotton have been built; twelve railroad charters granted, and as shown by the Railroad Gazette at the close of the year 1900, Mississippi stood fourth on the list of States in the number of miles of railroads built during that year.

Railroad building in the State was materially increased during the year 1901, and I apprehend that she stands to-day higher up in the scale of the States in road building than she did in 1900, and I feel that the Legislature and the people are to be congratulated upon the material advancement going on in the State and the auspicious signs for even greater success in the future.

Now, gentlemen of the Senate and House of Representatives, having an abiding confidence in your wisdom, patriotism and fidelity to the State and people, I fervently ask the blessings of heaven upon your deliberations, and indulge the hope that your

actions will redound to the happiness and welfare of the common-wealth.

Respectfully,

A. H. LONGINO.

On motion of Mr. Adams the Governor's biennial message was read, at the conclusion of which the Senate, at 1.30 P. M., took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 o'clock P. M. by President Harrison.

The Chair announced that Harry McGehee had been appointed messenger and Joe Bob Whitfield page, to fill vacancies, and that Lee Coleman and Ernest Herron had been appointed porters in place of the two porters appointed at the last meeting of the Legislature, both of which places were vacant.

On motion of Mr. George, 300 copies of the Governor's message were ordered printed for the use of the Senate.

At 3.05 P. M., on motion of Mr. George, the Senate adjourned until 9 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

SECOND DAY.

WEDNESDAY, January 8, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 40.

Absent — Messrs. Clinton, Evans, Sanders and Ventress —
Total 4.

The Journal of yesterday was read and approved.

MESSAGE FROM THE GOVERNOR.

A message was received from the Governor requiring executive session.

RESOLUTIONS.

Under a suspension of the rules Mr. Crawford introduced the following resolution, viz.:

Resolved, That a joint committee composed of two members of the Senate and ———— members of the House from each Congressional District be appointed as a Committee on Congressional Reapportionment, to whom all bills relating to Congressional Districts be referred without debate, and that in voting in committee meetings the committee appointed from each House vote separately.

Mr. Hicks moved to amend said resolution by striking out “two” and inserting in lieu thereof “one” to be appointed from each Congressional District.

On motion of Mr. Dulaney the amendment was tabled.

Mr. Dunn moved to amend by striking out of the resolution so much as refers to the appointment from each Congressional District.

On motion of Mr. Adams the same was tabled, whereupon the resolution was adopted.

The following resolution, introduced by Mr. McGehee was on motion, adopted, viz.:

Resolved, That the Senate meet every morning at 9.30 o'clock, and adjourn at 1 o'clock to meet again at 3 o'clock, and adjourn at 4.30 o'clock.

The following resolution, introduced by Mr. Campbell, was on motion adopted, viz.:

Resolved, That the Governor's message be referred to a special committee of seven, with instructions to report to the Senate how the same should be apportioned among the several standing committees of the Senate; to report in concise and separate form the several matters suggested therein for the consideration of the Legislature, and such additional matters as the committee may think important to be acted on at this session, with the view of requesting the Governor to submit the same to the Legislature for consideration, and to report in regard to such other matters involved in said message as the committee may deem advisable.

INTRODUCTION OF BILLS.

The following bills were introduced, under a suspension of the rules, read twice and referred to committees as follows:

By Mr. Noel—

S. B. No. 1, An Act to repeal all of Chapter 105 relating to primary meetings and elections except Section 3274 and 3275, and to provide for all nominations for State, District, County district and County officers to be made by primary election.

To Registration and Elections.

By Mr. Hughes—

S. B. No. 2, An Act to appropriate money for the support of the common schools of the State of Mississippi for the years 1902 and 1903.

To Education.

By Mr. Noel—

S. B. No. 3, An Act to prevent unintended defeat of criminal prosecutions by statutory changes of criminal laws.

To Judiciary.

By Mr. Gardner—

S. B. No. 4, An Act to amend Chapter 55 of the Laws of 1898, to provide clerical assistance for the Attorney General's office, and to fix the fees therefor.

To Judiciary.

By Mr. Moore—

S. B. No. 5, An Act to appropriate money for the support of the Industrial Institute and College at Columbus, for the addition of certain departments thereto, to provide for elevators, and for the erection of an industrial hall and laundry and for the enlargement of the chapel building, and for the repairs and equipment of the buildings of said institution during the years 1902 and 1903, and to provide for the payment of same.

To Universities and Colleges.

By Mr. Moore—

S. B. No. 6, An Act to establish a State Live Stock Sanitary Board, to create the office of State Veterinarian, to provide for the control and suppression of dangerous, contagious or infectious diseases of domestic animals, and for the study of diseases of live stock of the State, and to make an appropriation therefor.

To Agriculture, Commerce and Manufactures.

By Mr. George—

S. B. No. 7, An Act to increase the salaries of officers of the State, and other officers.

To Finance.

INTRODUCTION OF CONCURRENT RESOLUTION.

Under a suspension of the rules Senate Concurrent Resolution No. 3, a concurrent resolution to amend the Constitution of the State of Mississippi so as to make the Judiciary elective, was introduced by Mr. Noel, read twice and referred to Committee on Constitution.

REPORT OF SPECIAL JOINT COMMITTEE.

The special joint committee of the two Houses appointed at the 1900 meeting of the Legislature to investigate the penitentiary

during the recess and report their findings at this session, submitted the following report, viz.:

To His Excellency the Governor and to the Legislature of the State of Mississippi:

Your committee appointed under joint resolution to investigate the management and control of the State penitentiary, beg leave to submit the following report:

We have, with the assistance of an expert accountant employed by the committee, examined the books of the Board of Control as thoroughly as it has been possible to do under all existing circumstances and conditions. We have examined the following named witnesses, to-wit:

J. M. Parchman, Warden of the State penitentiary; Hons. John D. McInnis, A. Q. May and J. C. Kincannon, members of the Board of Control, and his Excellency, A. H. Longino, Governor. Hon. Monroe McClurg, Attorney General and *ex officio* members of the Board of Control, and Mr. J. J. Evans, former bookkeeper of the Board of Control, Mr. Baggett, sergeant of the Falked Deer Plantation; J. W. Hollinger, sergeant of the Levy Plantation; J. S. Given, sergeant of the Marks Plantation; F. E. Allen, sergeant of the Belmont Plantation; C. C. Sanford, sergeant of the Watson Plantation; Mr. Lewis, sergeant of the Weathersby Plantation; Mr. Buckley, sergeant of the New State Farm, Sunflower County; J. C. McCoy, sergeant of the Edwards Plantation; T. H. Allen, sergeant of the Cutrer Plantation; C. E. Vance, sergeant of the Shelby Plantation, and Mr. George B. Shelby, owner of the Shelby Plantation, and Mr. Bidwell, of the firm of Bidwell and Brothers, merchants on the New State Farm.

All of said witnesses were duly sworn, their evidence was reduced to writing, and the same is attached hereto and made a part of this report.

Your committee further respectfully reports as follows:

I.

We found that the books of the Board of Control have been kept in a manner far from satisfactory.

It is impossible, even with the most careful and long continued examination of the books, to ascertain with any degree of accuracy whatever, the results of the former operations of the Board of Control.

Sales of cotton, cotton seed and grain are entered in gross amounts with nothing whatever to show the quantities sold, to whom sold, or price per pound, bushel or ton, received, except in isolated cases.

Detailed statements or accounts of sale were called for, but neither the bookkeeper nor Board of Control could produce same.

In many instances we found an account credited with "received for labor of convicts," and gave number of dollars with no record

whatever to show the nature or character of said work, the quantity performed, where or when done or with whom contracted.

Your committee has made diligent inquiry as to labor, other than the making, gathering and marketing of crops performed by the State convicts on the various farms worked by the Board of Control, and do not hesitate to assert without qualification that the books fail to show payment for a very large proportion of such services.

Such work consists principally of clearing large quantities of woodland and preparing same for cultivation, for the owners of the various plantations worked on the share system or lease, and often it was found that large tracts of such land had been so cleared by convict labor for various parties with whom the Board of Control had no farming contract whatever, and in whose lands the State had no interest whatever.

The books kept by the Board of Control fail to show for whom such labor was performed, or prices paid, or agreed to be paid for same, and we have been compelled to gather information on these points chiefly from the various sergeants in charge of the various plantations, or from outside parties who were familiar with the facts.

Your committee, however, feels fully warranted in saying that a very large part of the amounts justly due the State from such sources has never been realized, in so far as is shown by the books, or by information secured by your committee after diligent effort.

We can not too strongly condemn the loose, inaccurate and wholly unsatisfactory condition in which we found the books of the Board of Control.

II.

Your committee further reports that an examination of appraisements of property on each farm worked by the Board of Control—such appraisements being made annually—will in many instances show serious errors in that they contain and claim double credits for valuable property or large sums of money, thereby creating a fictitious credit and erroneously adding largely to the receipts or profits derived in any one year from such plantation.

By way of illustration, we draw attention to the fact that in many of such appraisements the Board of Control credits such place with a large lot of agricultural products on hand, and almost immediately thereafter claims a credit for large sum of money received from the sale of same products.

Such bookkeeping must inevitably "pad" the receipts or profits and create a showing which, however satisfactory to the Board of Control, is wholly unwarranted and puts not one dime in the State's treasury, and is misleading.

III.

We find that the labor of the convicts is largely used or employed in the improvement of, and making much more valuable the land of private individuals, in many instances without proper compensation to the State in so far as your committee can discover from the books of the Board of Control, or from any evidence that we could secure.

In connection with this, we call special attention to the fact that during the summer of 1901, a large quantity of woodland, belonging either to the warden, Mr. J. M. Parchman, or to some near relative of his, and situated in Bolivar county, was cleared and made ready for cultivation by convict labor.

In that work about 150 convicts were under the orders of Warden Parchman, removed from the Shelby place, the Edwards place and the Cutrer place to the lands to be cleared, and temporary barracks were erected for the safe keeping of these convicts while so employed.

We have as yet been unable to discover what, if any, compensation was paid for this work.

Your committee emphatically condemns this transaction for many reasons, principally: (a) Because it is highly improper and against public policy that an official occupying the position of warden, exercising almost unlimited power and authority conferred upon him by the Board of Control, shall use his position or authority to have cleared and largely enhanced in value lands belonging either to himself or any member of his family. (b) We condemn the action upon the part of the Warden for the further reason that at the time this work was done the large number of convicts so employed could have been most profitably used in clearing the lands on the new State farm in Sunflower County. Because of the proximity of various plantations from which this large number of convicts was drawn to the new State farm, these convicts could have been, at a minimum expense and within the space of a few hours, carried to the said farm and there employed in similar work to the very great advantage of the State.

IV.

We found that cotton seed, approximating in value \$30,000, has been lost to the State from the crops of 1895-1900, inclusive.

It was stated to the committee that in many instances these seeds heated and became valueless because of want of storage room and shelter for the same. Often seed and cotton were held for an unreasonable length of time when if sold earlier in the season a handsome sum might have been realized.

In other instances large quantities of cotton seed, as well as of corn and other agricultural products actually existing and belonging to the State, have been in some way entirely lost sight of and

no record or evidence found by this committee accounting for same.

In connection with this item we beg to draw attention to the fact that the State, during the years 1895-1900, inclusive, owned large quantities of corn, hay, fodder, peas, potatoes, and other products of like nature for which not one dollar had been realized.

The Warden advises your committee that these articles were used in the feeding of the convicts and live stock belonging to the State, but while the Board claims credit for all these articles, thereby largely swelling the apparent profits, no money or charge of same is made in expense account, though used entirely for feeding and maintaining the convicts and stock belonging to the Board of Control.

In this way a false and fictitious credit is created and profits reported and claimed which do not exist.

Referring again to the matter of immense quantities of cotton seed lost, or not accounted for as above mentioned, we find that the Board of Control has been careless and negligent in contracting with planters, in that no provision whatever has ever been made for the furnishing or erection of proper and necessary houses in which to store seed or for platforms or for scaffolding upon which to dry damp or wet cotton; because of these omissions large sums have been lost to the State.

Again, the Board of Control, or the Warden, is justly liable to censure in many instances in withholding cotton seed from the market until they have heated or spoiled, when with proper diligence they could have been sold and large sums of money realized.

V.

We find that the Warden, or Board of Control, has frequently sold on long credits to the owner of the land, large quantities of corn and cotton seed—in many instances so selling the entire portion of said crops received as the State's share upon a given plantation. These credit sales, coupled with long delays in making settlement, such delay in several instances extending over three years, has resulted in much confusion and great loss to the State.

We can see no possible excuse for these credit sales and years of delay in making settlement.

In many instances no settlement was made with the landlord for three years. The crops of three years were disposed of without an adjustment of the respective rights or claims of the parties.

At the end of these three years of inexcusable negligent delay, the Board of Control insisted upon settlement, claiming in each instance large sums of money due the Board.

The landlord in each instance produced counter claims, insisting that upon a correct accounting the State, or Board of Control, would occupy the position of debtor instead of creditor.

In one or more instances litigation ensued and several of these claims were eventually compromised upon the land owner paying to the Board of Control approximately twenty-five per cent of the amount claimed by the Board, such paltry sum being accepted in full settlement. If these sales had been for cash instead of on credit, much confusion, litigation and loss to the State would have been avoided.

We find that a great many of the contracts made by the Board or by the Warden have been wholly verbal, there being no record or written evidence of the same, and that in other instances when contracts were reduced to writing, they were susceptible of more than one interpretation.

This loose and negligent manner of conducting this important business interest has led to very great confusion and resulted in losses to the State.

Though we used every effort to ascertain the expense incurred by the Board of Control, because of the litigation referred to, no information could be secured from the books or from the members of the Board.

While we do not know and can not determine whether or not the lessor was in any of these instances justly indebted to the State in any amount whatever, yet it can not be denied that these transactions reflect no credit whatever upon the Board or its agents, and these credit sales and long delays in settlement are not at all businesslike and are justly subject to condemnation.

VI.

We find that a large proportion of the State's cotton has been each year shipped to cotton factor or commission merchants in Greenville, Vicksburg and other cities, the State being thereby subjected to the payment of large costs and expense in the way of freight charges, storage, insurance and commission paid. We think this bad management and believe that the State will gain largely by selling its cotton through its own agents and without the intervention of factor and commission merchants.

VII.

Your committee further finds that about two hundred of the convicts were worked for a very considerable period in the building and construction of the Yazoo Delta Railroad in Sunflower County.

We have not been able to ascertain the particulars of the contract under which such labor was performed, by whom such contract was made, or compensation, if any, received therefor.

The books of the Board of Control, so far as your committee can ascertain, utterly fail to give such information.

This committee condemns this matter in unqualified terms and does not hesitate to say that in our opinion the law was most inexcusably and flagrantly violated.

VIII.

We find that the State is steadily year by year losing large sums of money in the operation of the Rankin County farm, and the Oakley farm, both of which properties belong to the State.

We beg to draw attention to the fact that though the expenses incident to the management of the Rankin County farm has, year by year, largely exceeded the annual revenues derived therefrom, until the losses sustained by the State on account of this investment, aggregated more than \$20,000; yet, strange to say, in the opinion of the Board of Control, and in the opinion of the Board alone, that property has yearly increased in value, as shown by the Board's annual appraisement, until it has at last been developed that a State farm may in five years cost the State, in losses, an amount equal to the full purchase-price, yet at the same time the value of the property increases twenty-five per cent.

This makes a good showing on paper and swells the apparent assets, but puts no money in the treasury.

IX.

Your committee further reports that in the purchase of the new State farm in Sunflower County, the Board of Control was limited to an expenditure of \$80,000, and that the Board paid therefor \$79,677.96.

We further report that the Board expended the further sum of \$9,000 in the purchase, as shown by its report of "personal property."

The said "personal property" embraces houses, sawmills, etc.

From said \$9,000 the said Board paid \$1,500 for a stock of goods, wares and merchandise, then on the premises and belonging to the Ohio Hardwood Lumber Company, and that soon thereafter the said stock of goods was by the Board of Control, or by the Warden, sold to Bidwell & Brothers for \$600; such sale was made on credit, without security and payable January 1, 1902, with the further understanding that the said Bidwell & Brothers should have their board furnished to them by the State, free of all charge, until January 1, 1902, and that they should also have the use and occupation of the storehouse on said farm free of all charge, until January 1, 1902.

Your committee can not account for or explain this remarkable transaction.

X.

Your committee found the water from the driven wells on the new State farm not good, and would suggest that artesian wells be bored immediately, for the health and welfare of the convicts, the guards in charge, and also for stock of all kinds and for the machinery that will be requisite to run the property.

Your committee would suggest that an agricultural chemist should be sent to this place to examine and analyze the different soils, and to ascertain for what they are peculiarly fitted.

XI.

Your committee finds, with few exceptions, that the convicts have been well treated, are sufficiently clad and fed, but it finds on nearly every plantation many men who should be in the hospital, because afflicted with diseases that incapacitates them from work, and who therefore need special medical attention.

Your committee's attention was called to the fact that a majority of the deaths reported to the committee resulted from sun-stroke or blood poison, and your committee fears that these deaths were caused by improper working the convicts when not in condition for such work.

XII.

We further report that the members of the Board of Control have, in our opinion, been derelict in their duty in these particulars, to-wit:

Their visits to and examination of the various farms in which the State is interested and their personal inspection of the convicts thereon, have been few and far between, and we do not believe it possible that they can keep themselves fully advised as to the existing conditions and needs, unless at least two of said members shall visit and inspect each one of said farms at least once during each month of the year.

XIII.

We deem it proper to say that we are fully cognizant of the fact that duties imposed upon the *ex officio* members of the Board of Control, the Governor and the Attorney General, in connection with their offices as Governor and Attorney General, are multitudinous and exacting, and for that reason we concede that it is impossible for either of them to give such attention to the various matters discussed in this report as is necessary to familiarize themselves with the same and to enable them to apply the proper correctives; but we do insist that the remaining members of the Board should be required to give their personal time and attention to these important matters.

RECOMMENDATIONS.

Your committee would recommend, first, that the present law be so amended as to require the Warden to cover immediately into the State treasury, to the credit of the general fund, all moneys coming into his hands from any and every source on account

of the penitentiary, so that the same may become immediately available to the State, and that an annual appropriation be made by the Legislature to cover all necessary expenditures for the support and maintenance of the penitentiary; payments to be made out of this fund on proper vouchers.

Second, To require all contracts made by the Warden to be submitted to the Board of Control for its ratification and confirmation, which ratification and confirmation shall be done at a legal meeting of said Board and shall appear on the minutes of said Board.

Third, To require every such contract to be in writing and to be duly recorded in a book to be provided by the Board for that purpose.

Fourth, To require the members of the Board, other than the Governor and Attorney General, to visit and inspect all plantations owned or worked by the State, and the convicts on such plantations, at least once each month.

Fifth, Your committee recommends that competent sergeants in control of large planting interests in the State should receive adequate reward, at least as much or more than persons in charge of similar plantations of individuals, for the reason that the sergeant, almost like the prisoner, is completely isolated from society and all Christian influences. He should be allowed at least enough to educate his children, for they can have no school facilities in or near a convict farm.

Sixth, Your committee would further most earnestly recommend that the Board of Control be required to comply with the purpose and intent of the Legislature in providing for the purchase of the new State Farm, by placing all convicts on said farm at the earliest possible time at which said convicts can be placed there without entailing great loss on the State.

Seventh, Your committee recommends that a timber expert be employed to estimate the amount and value of merchantable timber now on the new State farm, as well as the timber that has been cut therefrom since the purchase, as your committee are advised that there was enough valuable timber on said farm at the time of purchase to pay for it.

Eighth, Your committee recommends that an expert cotton classifier be employed to classify the cotton of the State and assist in the sale thereof.

Ninth, We further recommend that each sergeant on each plantation, or part thereof, shall keep a well bound plantation record, in which shall be entered the number of pounds of cotton gathered by each convict each day, the number of bales of cotton and the weight thereof made on each place; also the number of bushels of corn, amount of hay, and the amount and quality of every other agricultural product made on each place; and such record shall also show in detail all labor performed by the convicts in his care, of every kind and description other than that hereinbefore named, whether the same is done and performed on the plantation of

which said sergeant has charge or elsewhere. And such sergeant shall be required to make weekly reports to the Board covering all of the above items, which report shall be recorded in the books of the Board, and said books shall be preserved and shall be open to inspection at all times, and the Board shall employ a competent bookkeeper to keep the books.

Respectfully submitted,

E. H. MOORE,
Chairman Senate Committee.

R. F. ABBAY,
J. W. HEARD,
L. C. DULANEY,
A. F. GARDNER,

E. N. THOMAS,
Chairman House Committee.

J. D. STENNIS,
E. R. WREN,
S. W. JONES,

Secretary.

On motion of Mr. Abbay one thousand copies of the foregoing report were ordered printed for the use of the Senate.

On motion of Mr. George the Senate unanimously adopted a vote of thanks to the joint committee to investigate the penitentiary for its comprehensive, thorough and exhaustive report touching the result of its investigation.

Mr. Moore, chairman of said committee, acknowledged in behalf of himself and committee their appreciation of the Senate's action, and emphasized the hearty co-operation of each and every member of said joint committee in pursuing its investigation.

On motion of Mr. George the said joint committee was requested to furnish the Senate the amount of expenses incurred in said investigation in excess of the appropriation made at the last session for such purpose.

On motion of Mr. Broyles the Senate proceeded to the election of a President *pro tempore* of the Senate, vice Hon. J. R. Dinsmore, deceased.

The Chair announced nominations to be in order, whereupon Mr. Noel nominated Hon. W. G. Kiger for the position named.

Mr. Abbay nominated Hon. E. H. Moore.

Mr. Rowan seconded the nomination of Mr. Moore. Mr. Moore feelingly acknowledged the tributes paid him and declined to permit his name to be considered. Whereupon his name was withdrawn, and a ballot being had the following Senators voted for Mr. Kiger, viz.: Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Lee, Looney, McGehee, Moore, Noel, Rowan, Seawright, Shar-

borough, Shelton, Sheppard, Wharton, Wilson, Yarbrough, Young—Total 37.

Absent and those not voting, Messrs. Clinton, Evans, Kiger, Martin, Sanders, Taylor, and Ventress—7.

Mr. Kiger having received a majority of all the votes cast was duly declared elected President *pro tem.* of the Senate, whereupon he presented himself at the bar of the Senate and took the oath of office as required by law.

Mr. Kiger tendered his resignation as Chairman of the Committee on Corporations.

On motion of Mr. Noel the same was accepted.

At 11.40 A. M., on motion of Mr. Dulaney, the Senate went into executive session, with closed doors.

At 11.45 A. M. the Senate resumed legislative business with open doors, and proceeded with the call of the regular order of business.

On motion of Mr. Hinton the rules were suspended, and at 12 o'clock noon the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met at 3 o'clock P. M., Mr. Harrison in the chair, a quorum present.

RESOLUTIONS.

Mr. Adams, under a suspension of the rules, offered the following resolution, viz.:

Resolved, In view of the report of the joint committee to investigate the penitentiary, it is the sense of the Senate that the Board of Control immediately insist upon the suspension of J. M. Parchman as Warden, etc., pending the further investigation of said charges.

Mr. George moved that so much of said report as refers to Mr. Parchman be read, which motion was by the Chair declared out of order at this time.

On motion of Mr. Noel the resolution offered by Mr. Adams was made the special order for 10 o'clock to-morrow morning.

Mr. Broyles moved the appointment of a special committee to consider the resolution above mentioned, and to give opportunity for said Warden and the Board of Control to come before it, which motion was by the Chair declared to be out of order.

Mr. Adams obtained unanimous consent to have read for information the report of the joint committee to investigate the affairs of the State penitentiary, reported this morning. Whereupon the same was read.

Mr. Adams moved to reconsider the vote whereby the resolution asking for Warden Parchman's suspension was made the

special order for 10 o'clock to-morrow, pending discussion of which the said motion to reconsider was withdrawn.

The following resolution, offered by Mr. Hinton, was on motion adopted, viz.:

Resolved, That 12 o'clock Monday, January 13, be set apart as a time to hold a memorial service for our late brother Senators, Dinsmore, Torrey and Meek, and that as a mark of respect to their memory all further business for the day be then suspended.

Mr. Farley then offered the following resolution, viz.:

Resolved, That State Revenue Agent, Wirt Adams, immediately investigate and institute legal proceedings to recover for the State the money or funds shown by the report of the joint committee to investigate the management and control of the State penitentiary to be justly due the State.

Pending consideration of which the Senate, at 4.55 P. M., on motion of Mr. Cooper, adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

THIRD DAY.

THURSDAY, January 9, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Senator Yarbrough.

The roll being called the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 39.

Absent — Messrs. Clinton, Evans, Heard, Sanders and Ventress—Total 5.

The journal of yesterday was read and approved.

The Chair announced the following as the special committee to whom is referred the Governor's biennial message, provided for on yesterday, viz.: Messrs. Wharton, Campbell, Wilson, Sheppard, Bailey, Broyles and McGehee.

Mr. Moore obtained unanimous consent to introduce the following resolution, viz.:

Resolved by the Senate, the House of Representatives concurring therein, That the invitation extended by the Board of Trustees, the President and Faculties of the Agricultural and Mechanical College at Starkville, and of the Industrial Institute and College at Columbus, that the Legislature of the State of Mississippi shall visit and inspect the said Colleges, be and is accepted, and 7 o'clock A. M. of Saturday the 11th day of January, 1902, be and is fixed as the date and hour for leaving the city of Jackson upon said inspection.

MOORE,
BAILEY.

On motion of Mr. Dulaney the resolution was adopted.

Under a suspension of the rules the following resolution, offered by Mr. Sheppard, was adopted, viz.:

Resolved, That the President of the Senate be, and is hereby requested to appoint a postmistress for the Senate, whose compensation shall be the sum of \$3 per day, to be paid out of the Senate contingent fund.

Whereupon the Chair announced the appointment of Mrs. S. G. Hindmon, of Lauderdale County, as Senate Postmistress.

INTRODUCTION OF BILLS.

The following bills were introduced, under a suspension of the rules, read twice, and referred as follows:

By Mr. Kiger—

S. B. No. 8, An Act to divide the State into eight Congressional Districts.

Tabled subject to reference.

By Mr. Kiger—

S. B. No. 9, An Act to appropriate funds for the proper furnishing and fitting of the new Capitol building, and the various departments thereof, and to lay off, fix and prepare the grounds around said building, and to provide for the mode of expending the same.

Finance.

By Mr. Kiger—

S. B. No. 10, An Act to provide for the establishment of a permanent branch Agricultural Experiment Station in the Yazoo Mississippi Delta.

Agricultural and Mechanical.

By Mr. Kiger—

S. B. No. 11, An Act to provide for the support and maintenance of the State Charity Hospital and Confederate Annex to said hospital at Vicksburg.

Finance.

By Mr. Campbell—

S. B. No. 12, An Act to provide for a collateral inheritance and succession tax.

Judiciary.

By Mr. George—

S. B. No. 13, An Act to provide a home to be supported by the State for indigent and dependent soldiers and sailors of the Confederacy.

Humane and Benevolent Institutions.

By Mr. Falkner—

S. B. No. 14, An Act to provide for the payment of interest due the University of Mississippi on account of the 1894 land grant fund for the period from March 10, 1900, to November 1, 1901.

Universities and Colleges.

By Mr. Falkner—

S. B. No. 15, An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903 for buildings and equipment needed.

Finance.

By Mr. Adams—

S. B. No. 16, An Act to exempt from taxation all moneys and securities therefor lent by non-residents of the State to persons, corporations or association of persons in the State at a rate of interest not exceeding six per cent per annum.

Judiciary.

SENATE CONCURRENT RESOLUTION.

S. C. R. No. 4, A Concurrent Resolution to insert into the Constitution Section 206 of the Constitution as amended, was introduced by Mr. Jones, under a suspension of the rules, read twice, and tabled subject to call.

SPECIAL ORDER.

The special order for this hour, viz.: The resolution offered by Mr. Adams on yesterday, that it is the sense of the Senate that the Board of Control immediately insist upon the suspension of J. M. Parchman, as Warden, etc., pending further investigation of the charges contained in the report to investigate the matters of the penitentiary, etc., was proceeded with.

Mr. Broyles moved that the whole matter be indefinitely postponed.

Mr. Cooper moved that Mr. Parchman be invited to appear before the Senate and permitted to make a statement, which motion was tabled, on motion of Mr. George, by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Campbell, Crawford, Dunn, Falkner, Farley, George, Hicks, Hinton, Jones, Key, Kiger, Lee, Looney, Martin, Moore, Noel, Sharborough, Shelton, Wilson, Yarbrough—Total 23.

Nays—Messrs. Bradley, Broyles, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Hughes,

McGehee, Rowan, Seawright, Taylor, Wharton, Young—Total 14.

Absent and those not voting—Messrs. Clinton, Evans, Gardner, Heard, Sanders, Sheppard, and Ventress—Total 7.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

H. B. No. 1, To be entitled An Act making an appropriation to defray the expenses of the special session of the Legislature of 1902.

L. PINK SMITH, *Clerk.*

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives concurred in Senate Joint Resolution accepting the invitation extended by the Board of Trustees, President and Faculty of the Agricultural and Mechanical College at Starkville and of the Industrial Institute and College at Columbus, to the Legislature to visit said Colleges on Saturday, January 10, 1902.

L. PINK SMITH, *Clerk.*

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has concurred in Senate Joint Resolution creating a special joint committee on Congressional Apportionment and inserted the word "three" in the blank left in the resolution for the number from each Congressional District from the House.

L. PINK SMITH, *Clerk.*

MESSAGE FROM THE GOVERNOR.

JANUARY 9, 1902.

TO THE SENATE: I herewith return Senate Bill No. 226, entitled "An Act to prevent injustice resulting from failure to enter on the minutes of the Board of Supervisors the action on reports of insolvencies and credits claimed by tax collector when he was not at fault," without my approval.

Said bill seeks, for the purpose of present controversies over past settlements between tax collectors and Boards of Supervisors, to change the rule of evidence from what it was when the transactions were had between the board and collector, to suit present exigencies, and in doing so to the extent of the purposes named in the bill to abrogate the old, wise and very salutary rule of law that Boards of Supervisors, like other courts of record, can speak only through their minutes. I am advised by the friends of the bill that it was passed to meet the equities of a meritorious case which was pending in court but which I am advised has since been

settled and dismissed; it, however, comes to me in the form of a general act, proposing to set at naught, in the instance named by it, a rule of evidence as old as the law itself, viz.: "That a record of court imparts absolute verity, and that a judgment can only be shown by the record." Our present law fixing the settlements by tax collectors with Boards of Supervisors is ample and plain in its provisions, as well as wholesome in its restrictions, and in my judgment the present measure is an unwise and dangerous departure from the present established rules of law governing such transactions.

I regard the changes sought by the bill as innovations upon the long established rules of evidence as radical, dangerous and contrary to public policy, hence I return the bill without my signature.

Respectfully,

A. H. LONGINO, *Governor.*

JANUARY 9, 1902.

MR. PRESIDENT: I am directed by His Excellency, the Governor, to inform the Senate that he has this day approved the following entitled bills, to-wit:

S. B. No. 294, An Act to repeal certain sections and to amend certain sections of an Act entitled "An Act to amend the charter of Mississippi College," approved March 5, 1880, and to fix and define the relations of said College to the Baptist State Convention of Mississippi.

S. B. No. 163, An Act to amend Section 3897 Annotated Code of 1892, so as to authorize the construction of wells on public highways.

S. B. No. 222, An Act to restore to G. W. Harrell, a citizen of Calhoun County, Mississippi, the right of suffrage.

Respectfully,

J. J. COMAN, *Private Secretary.*

JANUARY 9, 1902.

TO THE SENATE: I herewith return S. B. No. 282, An Act for the relief of T. J. Mixon, ex-Sheriff and Tax Collector of Perry County, and to refund to him money paid into the State and county treasuries by mistake, without my approval, for the reason that it is in conflict with Section 82 of the Constitution, being a special act for the benefit of an individual which can be, and which in fact is, provided for by general law, namely: Chapter 74 Acts of 1900.

Respectfully,

A. H. LONGINO, *Governor.*

Pending further consideration of Mr. Broyle's motion to indefinitely postpone Mr. Adams' resolution, the Senate, at 1 P. M., took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met at 3 o'clock P. M., President Harrison in the chair.

The Senate proceeded to consider the resolution of Senator Broyles to indefinitely postpone the resolution of Mr. Adams asking the immediate suspension of Warden J. M. Parchman, etc.

Mr. Broyles obtained unanimous consent to withdraw the motion to indefinitely postpone, thereupon Mr. Adams called for the previous question on the adoption of the resolution, which motion was lost by the following vote, viz.:

Yeas—Messrs. Adams, Chrisman, Falkner, Farley, Gardner, George, Jones, Martin, McGehee, Moore, Shelton—Total 11.

Nays—Messrs. Bailey, Bradley, Broyles, Campbell, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Hicks, Hinton, Hughes, Key, Kiger, Looney, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 27.

Absent and those not voting—Messrs. Abbay, Clinton, Evans, Heard, Lee, and Ventress—Total 6.

Mr. Cooper moved to refer the resolution to the Committee on Penitentiary and Prisons.

Mr. Noel moved as a substitute that the whole matter lie on the table until the report of the investigating committee is printed and furnished the Senate, which motion prevailed.

MESSAGE FROM THE GOVERNOR.

JANUARY 9, 1902. ■

TO THE SENATE: I herewith return Senate Bill No. 94, "An Act for the relief of Henry Duffin as to double taxes paid on certain lands in Quitman County, Mississippi," without my signature for the following reasons: That it is in conflict with Section 82 of the Constitution, being a special act for the benefit of an individual, which can be, and which in fact is, provided for by general law, viz.: Chapter 74, Acts of 1900.

It is violative also of Section 63 of the Constitution.

Respectfully,

A. H. LONGINO, *Governor.*

CONCURRENT RESOLUTION.

The rules being suspended, Mr. Chrisman introduced S. C. R. No. 5, a concurrent resolution submitting to the qualified electors of the State for ratification or rejection, an amendment to the Constitution increasing the number of Supreme Court Judges, which was read twice and referred to the Committee on Constitution.

UNFINISHED BUSINESS.

Mr. Farley called up his resolution which was pending at the hour of adjournment on Wednesday, viz.:

Resolved, That the State Revenue Agent, Wirt Adams, immediately investigate and institute legal proceedings to recover for the State the money or funds shown by the report of the joint committee to investigate the management and control of the State penitentiary, to be justly due the State, which, on motion, was adopted.

JOINT RESOLUTION.

Under a suspension of the rules Mr. Rowan introduced Senate Joint Resolution No. 1, A Joint Resolution providing for the appointment of a joint committee to investigate the State Board of Health.

Under the rules the same was laid on the table for future consideration.

At 4 o'clock P. M., on motion of Mr. George, the Senate adjourned.

JOHN Y. MURRY, JR., *Secretary*.

FOURTH DAY.

FRIDAY, January 10, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called the following Senators answered to their names:

Present—Messrs. Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 38.

Absent—Messrs. Abbay, Clinton, George, Heard, Lee and Ventress—Total 6.

The journal of yesterday was read and approved.

Leave of absence was granted from day to day, on account of sickness, to Mr. Abbay, and for the day to Mr. George.

HOUSE BILL ON THE CALENDAR.

Under a suspension of the rules, House Bill No. 1, An Act making appropriation to defray the expenses of the special session

of the Legislature of 1902, was read twice and referred to the Committee on Finance.

VACANCIES ON STANDING COMMITTEES.

The Chair announced the following appointments to fill vacancies on standing committees, viz. :

Mr. Wharton to be Chairman of Committee on Corporations, vice Mr. Kiger, resigned.

Mr. Young to be Chairman of Committee on Contingent Expenses, vice Mr. Ballinger, resigned.

Mr. Dent of the Sixteenth, on the Judiciary Committee, vice Mr. Dinsmore, deceased.

Mr. Casey on the Judiciary Committee, vice Mr. Meek, deceased.

Mr. Shelton on the Judiciary Committee, vice Mr. Torrey, deceased.

Mr. Bradley on the Judiciary Committee, vice Mr. Ballinger, resigned.

RESOLUTION.

Mr. Campbell, under a suspension of the rules, introduced the following resolution, viz. :

Resolved, That the Senate chamber be furnished with electric lights for and during the present special session, and that the Sergeant-at-Arms of the Senate be, and is hereby instructed to see that the same is done, to be paid for out of the Senate contingent fund, which on motion was adopted.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations :

That H. B. No. 1, being entitled An Act making an appropriation to defray the expenses of the special session of the Legislature of 1902, do pass, title sufficient.

BRADLEY, *Chairman*.

On motion of Mr. Bradley, under a suspension of the rules, H. B. No. 1, entitled An Act making an appropriation to defray the expenses of the special session of the Legislature of 1902, was read a third time, and passed by the following vote, viz. :

Yeas—Messrs. Adams, Bradley, Broyles, Campbell, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Shelton, Taylor, Wharton, Wilson, Yarbrough, Young—Total 34.

Absent and those not voting—Messrs. Abbay, Bailey, Clinton, Crawford, George, Heard, Lee, Sharborough, Sheppard and Ventress—Total 10.

Title standing as stated.

On motion by Mr. Bradley the rules were suspended and the Secretary was instructed to report said bill to the House immediately, which was accordingly done.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has adopted a joint resolution in regard to the expenses of the special committee appointed at the session of 1900 to investigate the State penitentiary management; also a joint resolution requesting our Senators and Representatives in Congress to vote for a bill to purchase Temple Farm and Moore House, both of which are herewith transmitted.

L. PINK SMITH, *Clerk*.

INTRODUCTION OF BILLS.

Under a suspension of the rules the following bills were introduced, read twice, and referred to committees as follows, viz.:

By Mr. Kiger—

S. B. No. 17, An Act to make an appropriation to defray the expenses of the State Board of Health for the years 1902 and 1903.

To Finance.

By Mr. Yarbrough—

S. B. No. 18, An Act to make an appropriation for the payment of money expended by the Trustees of the Agricultural College, in excess of the appropriation made for the building and equipment of the Textile School at Starkville, Miss.

To Finance.

President *pro tem*. Kiger in the chair.

On motion of Mr. Farley, the rules were suspended and the veto messages of the Governor submitted on yesterday were taken up for consideration without reference to committees, viz.:

S. B. No. 226, An Act to prevent injustice resulting from failure to enter on the minutes of the Board of Supervisors the action on reports of insolvencies and credits claimed by tax collector when he was not at fault.

On motion of Mr. Noel the Governor's veto was sustained by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, Gardner, Hicks, Hinton, Hughes, Jones, Key, Kiger, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 35.

Absent and those not voting—Messrs. Abbay, Clinton, Cooper, Dulaney, George, Heard, Lee, Looney, and Ventress—Total 9.

S. B. No. 282, An Act for the relief of T. J. Mixon, deputy sheriff and tax collector of Perry County and to refund to him money paid into the State and county treasuries by mistake.

On motion of Mr. McGehee the veto was sustained by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, Gardner, Hicks, Hinton, Hughes, Jones, Key, Kiger, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Wharton, Wilson, Yarbrough, Young—Total 33.

Nays—Mr. Sheppard—Total 1.

Absent and those not voting—Messrs. Abbay, Clinton, Cooper, Dulaney, George, Heard, Lee, Looney, Taylor and Ventress—Total 10.

S. B. No. 94, An Act for the relief of Henry Duffin, as to double taxes paid on certain lands in Quitman County, Miss.

On motion of Mr. McGehee the veto was sustained by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, Gardner, Hicks, Hinton, Hughes, Jones, Key, Kiger, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 35.

Absent and those not voting—Messrs. Abbay, Clinton, Cooper, Dulaney, George, Heard, Lee, Looney and Ventress—Total 9.

JOINT RESOLUTION.

Under a suspension of the rules Joint Resolution No. 2, approving the decision of Admiral Dewey in the Court of Investigation of charges against Admiral Schley, and providing that no text-book ought ever to be used in the public schools of this State which assail the conduct of Admiral Schley as not being the hero of Santiago, was introduced by Mr. Evans, and on motion of Mr. Hughes, adopted unanimously without reference to a committee.

The courtesies of the Senate were extended to Hons. W. S. Hill, of Montgomery County, and Thos. Spight, of Tippah County.

At 11.55, on motion of Mr. McGehee, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Adams, Bailey, Bradley, Broyles, Campbell, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Farley, Hicks, Hinton, Key, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Ventress, Wharton, Yarbrough, Young—Total 28.

Absent—Messrs. Abbay, Chrisman, Clinton, Dulaney, Dunn, Evans, Falkner, Gardner, George, Heard, Hughes, Jones, Kiger, Seawright, Shelton and Wilson—Total 16.

Leave of absence was granted from day to day to Messrs. Shelton, Kiger, Wilson and Seawright.

On motion of Mr. Yarbrough the resolution heretofore adopted fixing Monday the 14th, at 12 o'clock as a day set apart for memorial services, was reconsidered.

Mr. Yarbrough moved to make the same a special order for Wednesday at 12 o'clock.

Mr. Broyles moved as a substitute, Tuesday at 12 o'clock, which motion prevailed.

CONCURRENT RESOLUTIONS.

S. C. R. No. 6, Mr. Noel, under a suspension of the rules, introduced the following concurrent resolution, viz.:

Concurrent resolution inviting Dr. E. A. Alderman, President of Tulane University, to address the Legislature, which motion was adopted.

COMMITTEE FROM THE HOUSE.

Mr. Bennett, on the part of the House, appeared before the Senate and invited the Senate to join the House in hearing Hon. John M. Allen on the question of the Louisiana Purchase Exposition, which invitation was, on motion, accepted.

REPORTS OF COMMITTEES.

Report of Committee on Judiciary:

MR. PRESIDENT: The Committee on Judiciary has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 3, A bill entitled An Act to prevent unintended defeat of criminal prosecutions by statutory changes of criminal laws.

Title sufficient, do pass.

S. B. No. 4, A bill entitled An Act to amend Chapter 55 of the laws of 1898, to provide clerical assistance for the Attorney General's office, and to fix fees therefor.

Title sufficient; that bill do pass.

S. B. No. 12, A bill entitled An Act to provide for a collateral inheritance and succession tax.

Title sufficient; bill do pass.

E. H. MOORE, *Chairman*.

Report of Committee on Public Education:

MR. PRESIDENT: The Committee on Public Education has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

That S. B. No. 2, a bill to be entitled An Act to appropriate money for the support of the common schools of the State of Mississippi for the years 1902 and 1903, do pass with amendment.

A. M. HICKS, *Chairman*.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills, to whom was referred H. B. No. 1, An Act making an appropriation to defray the expenses of the special session of the Legislature of 1902, have found the same correctly enrolled, and now present the same for your signature.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bill read by its title and signed the same, calling the attention of the Senate thereto.

INTRODUCTION OF BILLS.

Under a suspension of the rules the following bill, introduced by Senator Looney, was read twice and referred to the Committee on Education, viz.:

S. B. No. 19, To be entitled An Act to establish a State Training School for white teachers.

APPOINTMENT OF JOINT COMMITTEE.

The President announced the following committee on the part of the Senate, provided for in a former concurrent resolution, to-wit: That a joint committee composed of two members of the Senate and ——— members of the House from each Congressional District be appointed as a Committee on Congressional Reapportionment, to whom all bills relating to Congressional Districts be referred without debate, and that in voting in committee meetings the committee appointed from each House vote separately, viz.:

First District—Messrs. Cayce and Broyles.

Second District—Messrs. Jones and Cooper.

Third District—Messrs. Dulaney and Moore.

Fourth District—Messrs. Seawright and Heard.

Fifth District—Messrs. Wilson and Dunn.

Sixth District—Messrs. Sheppard and Ventress.

Seventh District—Messrs. Wharton and McGehee.

At 3.45 P. M., on motion of Mr. Moore, the Senate adjourned until 9. 30 A. M., Tuesday morning.

JOHN Y. MURRY, JR., *Secretary*.

FIFTH DAY.

TUESDAY, January 14, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Senator Rowan.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Yarbrough, Young—Total 37.

Absent—Messrs. Broyles, Evans, Gardner, Kiger, Sanders, Ventress and Wilson—Total 7.

The journal of Friday was read and approved.

STANDING COMMITTEES.

The President announced the following appointments to fill vacancies on standing committees, viz.:

Mr. Campbell to be Chairman of the Committee on Constitution, vice Mr. Dinsmore, deceased.

Mr. Sharborough on Education, vice Mr. Meek, deceased.

Messrs. Bradley and Dent of the Fourth, on Registration and Elections.

Mr. Shelton on Public Lands, vice Mr. Torrey, deceased.

Mr. Crawford on Penitentiary and Prisons, vice Mr. Meek, deceased.

Mr. Young, on Enrolled Bills, vice Mr. Ballinger, resigned.

CONCURRENT RESOLUTIONS.

Mr. Jones obtained consent to introduce the following concurrent resolution, which was read twice, under a suspension of the rules, and referred to the Committee on Constitution, viz.:

S. C. R. No. 7, a concurrent resolution proposing an amendment to the Constitution requiring that all changes, alterations or amendments of said Constitution be inserted by the Legislature at the next succeeding session after the election requiring such change, alteration or amendment.

Mr. George obtained consent to introduce the following resolution, viz.:

S. C. R. No. 8, a concurrent resolution instructing the joint committees to continue the investigation of the affairs of the State Penitentiary, authorizing them to send for persons and papers, etc.

Mr. George in the chair.

Mr. Farley moved to amend the resolution by instructing the committee to report in fifteen days, which amendment was accepted.

President Harrison in the chair.

Mr. George called for the previous question on the adoption of the resolution.

The call was sustained and the resolution, as amended, was adopted by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Falkner, Farley, George, Hinton, Jones, Key, Looney, Martin, McGehee, Noel, Seawright, Sharborough, Shelton, Taylor, Wharton, Yarbrough, Young—Total 27.

Nays—Messrs. Dunn, Hicks, Hughes, Rowan—Total 4.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Evans, Gardner, Heard, Kiger, Moore, Sanders, Sheppard, Ventress, Wilson, Lee—Total 13.

The following resolution, introduced by Mr. Crawford, viz.: A resolution requiring the Board of Control to furnish the Senate with appraiser's inventory, as provided for by Section 3182, Code of 1892, was on motion adopted.

S. C. R. No. 9, a concurrent resolution to insert Section 206, as amended, so that said amendment may become a part of the State Constitution, was introduced by Mr. Taylor, read twice and referred to the Committee on Constitution.

SPECIAL ORDER.

At 12 o'clock M. the Senate proceeded to the consideration of the special order, being the resolution of Mr. Hinton, as amended, fixing this as the hour for holding memorial services for our late brother Senators, Dinsmore, Torrey and Meek.

Mr. Moore offered the following resolution, which was on motion adopted:

Resolved, That three committees of three each be appointed to prepare suitable resolutions on the lives and characters of Senators Dinsmore, Meek and Torrey; that the same be spread upon the journal of the Senate, and that a copy be furnished the families of the deceased.

Resolved, further, That when the Senate adjourns it adjourn for the day out of respect to their memory.

Thereupon, at 1.35 P. M., on motion of Mr. Moore, the Senate adjourned until 9.30 o'clock to-morrow morning.

SIXTH DAY.

WEDNESDAY, January 15, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Senator Yarbrough.

The roll being called the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Clinton, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 42.

Absent—Messrs. Dent of the Fourth District and Ventress—Total 2.

The journal of yesterday was read and approved.

Leave of absence, from day to day, was granted Mr. Dent of the Fourth District.

The courtesies of the Senate were extended to Captain Reid, of Chickasaw County, and Hon. J. B. Boothe, of Panola County.

Hon. Newnan Cayce, Senator-elect from the Twenty-fifth District, vice Hon. S. M. Meek, deceased, being in the chamber and ready to assume the duties of his office, approached the bar of the Senate, presented his credentials and took the oath of office prescribed by the Constitution.

The President announced the appointment of Mr. Cayce upon the following standing committees, viz.:

Judiciary Committee, vice Hon. S. M. Meek, deceased; Finance, vice Hon. S. M. Meek, deceased; Local and Private Legislation, vice Hon. S. M. Meek, deceased; to be Chairman of Public Lands, vice Hon. S. M. Meek, deceased, and on Temperance, vice Hon. J. R. Dinsmore, deceased.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Evans, arising to a question of personal privilege, sent to the Secretary's desk and had read to the Senate an editorial which recently appeared in the *Biloxi Review*, a newspaper published in Biloxi, Mississippi, alleging that Mr. Evans, was no longer legally a member of the Senate, and that a vacancy existed in said body from said district, and proceeded to address the Senate upon said editorial.

RESOLUTION.

Mr. Falkner obtained unanimous consent to the introduction of a resolution asking an investigation as to whether Hon. W. G. Evans, Jr., is the legal Senator at this time of the First Senatorial District, and entitled to his seat as such in this Senate, which resolution he announced he introduced by request.

On motion of Mr. Falkner the above resolution was referred to the Judiciary Committee.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., January 14, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following matter, to-wit:

A bill to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties, and to provide for its maintenance and for the issuing of future publications of the Mississippi Historical Society.

Respectfully,

A. H. LONGINO, *Governor*.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., January 15, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and for such action as you may deem proper the following matter, to-wit:

An Act to regulate the fishing and canning of oysters in the State of Mississippi, and improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90, of the Laws of 1898.

Respectfully,

A. H. LONGINO, *Governor*.

APPOINTMENT OF SPECIAL COMMITTEES.

The Chair announced the appointment of the following committees to prepare suitable resolutions on the lives and characters

of Senators Dinsmore, Meek and Torrey, provided for in the resolution adopted on yesterday, viz.:

On Senator Dinsmore—Messrs. Adams, Seawright and Yarbrough.

On Senator Meek—Messrs. Moore, Noel and George.

On Senator Torrey—Messrs. Clinton, Shelton and Rowan.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Mileage:

MR. PRESIDENT: The Committee on Mileage has had under consideration the matter of mileage of the Senators, have to report that they amend the report made at the 1900 term of the Legislature only in the following instances, viz.:

Mr. Hughes, 200 miles; Mr. Looney, 600 miles; Mr. Sheppard, 210 miles;

New Senators as follows, viz.:

Mr. Dent of the Sixteenth District, 317 miles; Mr. Cayce, 392 miles; Mr. Shelton, 144 miles; Mr. Young, 506 miles.

W. H. HUGHES, *Chairman*.

Report of Committee on Governor's Messages:

MR. PRESIDENT: The Committee on Governor's Message has had under consideration the Governor's Message and recommend as follows:

That the message be referred to the following committees, viz.:

That part of message referring to payments of bonds, State Treasury matter, State Revenue Agent, State Lands, Mississippi Boundary Commission, to the Judiciary Committee.

That part of the message referring to Finance, State House Bonds, Soldiers' Home, Increase of Salaries, Louisiana Purchase Exposition at St. Louis, Proceeds of Sale of Lands donated to the State for the use of Universities and Colleges, to the Finance Committee.

That part of the message referring to the New State Farm to the Penitentiary Committee.

That part of the message referring to National Guards, committee appointed to ascertain position occupied by Mississippi troops in defense of Vicksburg, to the Military Committee.

That part of the message referring to State University, A. and M. College, Industrial Institute and College, Alcorn A. and M. College, State Normal Schools, to Joint Committee on Universities and Colleges.

That part of the message referring to Schools, to Committee on Public Education.

That part of message referring to Eleemosynary Institutions to Humane and Benevolent Institutions Committee.

That part of message referring to Diseases of Animals, State Board of Health, to Public Health and Quarantine Committee.

That part of message referring to Congressional Reapportionment of State, to special committee appointed for that purpose.

That part of message referring to Experimental Station, to Committee on Agriculture.

That part of message referring to Primary Election Law, to Committee on Registration and Elections.

That part of message referring to Good Roads, to Committee on County Affairs.

Report of Joint Committee on Universities and Colleges:

MR. PRESIDENT: The Joint Committee on Universities and Colleges has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 14, An Act to provide for the payment of interest due the University of Mississippi on account of the 1894 land grant for the period from March 10, 1900, to November 1, 1901.

Title sufficient; do pass.

S. B. No. 5, An Act to appropriate money for the support of the I. I. & C., for the addition of certain departments thereto; to provide for elevators and for the erection of an Industrial Hall and laundry, and for the enlargement of the chapel building, and for repairs and equipment of the buildings of said institution for years 1902 and 1903, and to provide for the payment of same.

Title sufficient; do pass.

J. W. T. FALKNER, *Chairman*.

On motions the foregoing bills reported by Universities and Colleges, were severally referred to Finance Committee.

INTRODUCTION OF BILLS.

The following bills were introduced, under a suspension of the rules, read twice, and referred to committees as follows, viz.:

By Mr. Noel—

S. B. No. 20, An Act to prevent pools, combinations and conspiracies from controlling or limiting the production, sale, or price of merchandise; providing for a receiver of the property of all persons, associations or corporations engaged in such pool or combination; the dissolution of such corporations, and the distribution of the property in such pool or combination among the parties entitled thereto.

To Judiciary.

By Mr. Hughes—

S. B. No. 21, An Act to amend Section 3771 of the Annotated Code, providing for the assessment of lands every two years for the purpose of raising revenue.

To Public Lands.

By Mr. Campbell, by request—

S. B. No. 22, An Act to establish a separate department of banking and insurance.

To Judiciary.

By Mr. Campbell, by request—

S. B. No. 23, An Act concerning banks and banking.

To Judiciary.

By Mr. Campbell, by request—

S. B. No. 24, An Act to regulate fire insurance and other companies.

To Judiciary.

By Mr. Campbell, by request—

S. B. No. 25, An Act to provide for the investigation of incendiary fires.

To Judiciary.

By Mr. Moore, S. B. No. 26, An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties, and to provide for its maintenance, and for the issuance of future publications of the Mississippi Historical Society.

To Finance.

SENATE BILLS ON THIRD READING.

S. B. No. 2, An Act to appropriate money for the support of the common schools of the State of Mississippi for the years 1902 and 1903, was called up for consideration.

On motion of Mr. Hicks the amendment of the committee to this bill, proposing to strike out "\$1,300,000" and insert in lieu thereof "\$1,500,000," was tabled.

Mr. George moved to refer the bill to the Finance Committee.

Mr. Hughes moved to table Mr. George's motion to refer, which motion was lost.

Mr. Broyles offered the following amendment, viz.:

Amend by striking out "\$1,300,000" and inserting in lieu thereof "\$1,250,000," pending consideration of which, on motion of Mr. George, the bill and amendment were referred to the Finance Committee.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

The following report, under a suspension of the rules, was submitted by the Finance Committee, viz.:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

That S. B. No. 5, An Act to appropriate money for the support of the Industrial Institute and College, at Columbus, for the addition of certain departments thereto, to provide for elevators, and for the erection of an Industrial Hall and laundry, and for the en-

larging of the chapel building, and for the repair and equipment of the buildings of said institution during the years 1902 and 1903, and to provide for payment of same, do pass, as amended; title sufficient.

That S. B. No. 14, An Act to provide for the payment of interest due the University of Mississippi on account of the 1894 land grant for the period of from March 10, 1900, to November 1, 1901, do pass; title sufficient.

BRADLEY, *Chairman*.

Mr. Bradley moved a suspension of the rules for the consideration, third reading and passage of the bill just reported by the Finance Committee, which motion was lost.

S. B. No. 3; An Act to prevent unintended defeat of criminal prosecutions by statutory changes of criminal law.

On motion of Mr. Noel the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Ayes — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Taylor, Wharton, Young—Total 38.

Absent and those not voting—Messrs. Dent of the Fourth District, Evans, Hughes, Sheppard, Ventress, Wilson and Yarbrough—Total 7.

On motion of Mr. Noel the title was amended to read as follows, viz.:

An Act to prevent unintended defeat of criminal prosecutions and of enforcement of penalties by statutory changes of criminal laws.

Whereupon the title as amended was adopted.

S. B. No. 12, An Act to provide for a collateral inheritance and succession tax, was recommitted to the Judiciary Committee, on motion of Mr. Gardner.

COMMITTEE FROM THE HOUSE.

A special committee from the House appeared and invited the members of the Senate to be present in the hall of the House of Representatives at 3 o'clock this afternoon for the purpose of hearing Miss Belle Kearney address the members of the Legislature on the subject of Temperance.

On motion the invitation extended was accepted.

S. B. No. 4, An Act to amend Chapter 55 of the Laws of 1898, to provide clerical assistance for the Attorney General's office, and to fix the fees therefor, was called up for consideration.

Mr. Broyles offered the following amendment, viz.:

Amend by striking out "twelve hundred dollars" and inserting "nine hundred dollars."

On motion of Mr. Gardner the amendment was tabled.

Whereupon, on motion of Mr. Gardner, the bill was tabled, subject to call.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., January 15, 1902.

TO THE SENATE—GENTLEMEN: Upon petition from the Woman's Christian Temperance Union of the State, and various requests from different religious bodies and numerous citizens for the submission by me to your honorable body at this special session, the question of enactment by you of a peremptory State law against the selling or giving away of vinous, spirituous and malt liquors in the State of Mississippi, I have the honor to submit the subject for such action as your wisdom approves in the premises.

Respectfully,

A. H. LONGINO, *Governor.*

The following resolution, offered by Mr. Dunn, under a suspension of the rules was, on motion, adopted, viz.:

Resolved, That 250 copies each of Senate Bills Nos. 22, 23, 24, and 25 be printed and furnished members of the Senate as speedily as possible, the expense of such printing to be paid from the Senate contingent fund.

Mr. Noel moved to reconsider the vote whereby S. B. No. 12, An Act to provide for a collateral inheritance and succession tax was heretofore recommitted, which motion prevailed.

Mr. Moore moved the third reading and passage of the bill, pending consideration of which, at 1 P. M., the Senate, on motion of Mr. Bradley, adjourned until 9.30 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary.*

SEVENTH DAY.

THURSDAY, January 16, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Senator Campbell.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Ev-

ans, Falkner, Farley, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 42.

Absent—Messrs. Heard, Lee and Ventress—Total 3.

The journal of yesterday was read and approved.

The courtesies of the Senate were extended to Honorables A. A. Kincannon, of Lowndes County, J. F. McCool, of Attala County, and Dr. A. T. Hart, of Pike County.

Mr. Looney called attention to the fact that his mileage was 600 miles instead of 614, as heretofore reported by the committee.

On motion of Mr. Campbell the hour for meeting in morning session was changed from 9.30 to 10 o'clock.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 2, An Act to appropriate money for the support of the common schools of the State of Mississippi for the years 1902 and 1903.

Title sufficient; that bill do pass as amended.

S. B. No. 7, An Act to increase the salaries of officers of the State and other officers.

Title sufficient; that bill do pass.

S. B. No. 26, An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties, and to provide for its maintenance, and for the issuance of future publications of the Mississippi Historical Society.

Title sufficient; that bill do pass.

BRADLEY, *Chairman.*

Report of Committee on Constitution:

MR. PRESIDENT: The Committee on Constitution has had under consideration the following concurrent resolutions referred to it, and has instructed me to report them back with the following recommendations:

C. A. No. —, Concurrent Resolution to amend Section 36 of the Constitution of Mississippi.

Do pass.

C. R. No. 3, Senate Concurrent Resolution to amend the Constitution of the State of Mississippi so as to make the Judiciary elective.

Do pass.

C. R. No. 7, A Concurrent Resolution proposing an amendment to the Constitution requiring that all changes, alterations or

amendments of said Constitution be inserted by the Legislature at the next succeeding session after the election requiring such change, alteration or amendment.

Do pass.

R. B. CAMPBELL, *Chairman*.

INTRODUCTION OF CONCURRENT RESOLUTION.

Mr. Crawford introduced S. C. R. No. 10, A Concurrent Resolution to amend Section 183 of the Constitution of the State of Mississippi so that counties, Circuit Court Districts of counties, cities or towns may elect to take stock in or vote aid to railroads, cotton or woolen factories, which was read and referred to the Committee on Constitution.

INTRODUCTION OF BILLS.

The following bills were introduced, read twice, under a suspension of the rules, and referred to committees as follows, viz.:

By Mr. Dunn, by request—

S. B. No. 27, An Act to repeal Section 1575 of the Annotated Code of 1892, relating to granting of licenses to retail vinous, malt, alcoholic, intoxicating or spirituous liquors by Boards of Supervisors, and to amend Section 1576 of the Annotated Code of 1892, relating to the granting of licenses to retail liquors by Board of Mayor and Aldermen of cities, towns or villages.

To Temperance.

By Mr. Young—

S. B. No. 28, An Act to amend Section 2 of Chapter 73, Laws of 1900, approved March 10, 1900, so as to change the composition of the Board of Inquiry and to provide compensation for the members of the Board.

To Military Affairs.

By Mr. Kiger—

S. B. No. 29, An Act to divide the State into eight Congressional Districts.

To Special Committee on Reapportionment.

By Mr. Adams—

S. B. No. 30, An Act to provide for a Reformatory Prison for Juvenile Convicts.

To Humane and Benevolent Institutions.

RESOLUTION.

Under a suspension of the rules Mr. Adams introduced the following resolution, which on motion was adopted, viz.:

Resolved, That the thanks of the Senate is due and is hereby tendered to the officers and students of the A. and M. College, and of the I. I. and C., for the gracious treatment received at their hands on the occasion of our recent visit to those institutions. The

opportunity afforded us to investigate those institutions was alike profitable to the law-makers and of great advantage to the up-building of these State colleges. The social entertainment provided by the colleges and the hospitable people of Columbus, and gentlemen of the committee in charge, was especially grateful to us, and will long remain as one of the pleasantest recollections of our lives.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of unfinished business, being S. B. No. 12, An Act to provide for a collateral inheritance and succession tax.

The following amendment, proposed by Mr. Gardner, was on motion adopted, viz.:

Amend by striking out after the word "paid" in the thirteenth line, the words "to the State and county according to the rights of each were the tax an ordinary ad valorem tax," and insert in lieu thereof the words, "one-third each to the State, county and municipality in which the property is located, according to the value of said property, as shown by the county assessment rolls, provided that where the property is not located in a municipality then the tax collected shall be divided equally between the State and county."

The following amendment to the bill as amended, offered by Mr. Dunn, was on motion adopted, viz.:

Amend Section 3 by adding at the end thereof the following words, viz.: "And the tax collector shall forthwith collect the tax so assessed, and pay to the proper municipal authority the amount to which the municipality may be entitled under the provisions of this act, and to the county and State the amount due each respectively."

Pending further consideration of the bill as amended, a committee from the House appeared and invited the members of the Senate to join the House for the purpose of hearing Generals A. P. Stewart and Stephen D. Lee address the members of the Legislature.

On motion of Mr. Taylor the invitation was accepted, whereupon on motion of Mr. McGehee, the Senate at 11.30 A. M. took a recess until 3 o'clock this afternoon, for the purpose of hearing the before mentioned distinguished speakers.

AFTERNOON SESSION.

The Senate was called to order by President Harrison at 3 P. M., a quorum being present.

The Senate proceeded to the consideration of the matter pending at the time the recess was taken this morning, being the motion for the third reading of S. B. No. 12, An Act to provide for a collateral inheritance and succession tax, as heretofore amended.

The following amendment, offered by Mr. Dulaney, was on motion adopted, viz.:

Amend by inserting after the word "dying" in 11th line the words "or nephew or niece."

Mr. Sharborough moved to reconsider the vote whereby Mr. Gardner's amendment to this bill was adopted this morning.

Mr. Gardner moved to table Mr. Sharborough's motion, which motion was lost.

Thereupon Mr. Sharborough's motion, the yeas and nays being called, was lost by the following vote, viz.:

Yeas—Messrs. Abbay, Crawford, George, Hinton, Looney, Moore, Noel, Sharborough, Yarbrough, Young—Total 10.

Nays—Messrs. Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, Hicks, Hughes, Jones, Key, Kiger, Martin, McGehee, Rowan, Sanders, Seawright, Shelton, Sheppard, Taylor, Wilson—Total 29.

Absent and those not voting—Messrs. Cooper, Evans, Heard, Lee, Ventress and Wharton—Total 6.

Whereupon, on motion of Mr. Campbell, the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Hicks, Hinton, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Shelton, Sheppard, Wilson, Young—Total 30.

Nays—Messrs. Abbay, Broyles, Cayce, Cooper, Hughes, Kiger, Seawright, Sharborough, Taylor, Yarbrough—Total 10.

Absent and those not voting—Messrs. Evans, Heard, Lee, Ventress and Wharton—Total 5.

Title standing as stated.

Mr. George entered a motion to reconsider the vote whereby the bill passed the Senate.

The Clerk of the Board of Control, in response to a resolution adopted by the Senate, submitted the following report, viz.:

JACKSON, MISS., January 16, 1902.

TO THE SENATE: I herewith beg leave to submit for your consideration, in accordance with your resolution adopted on the 14th inst., the copy of the inventory of the appraisers of the penitentiary property, of date March 4, 1901, together with copies of all appraisements for the years 1893 to 1901, inclusive. The same being all appraisements in my hands for those years and the said ap-

praisement of date March 4, 1901, being the last made, in so far as I am informed.

I have the honor to be very respectfully, etc.,

WM. MCWILLIE,

MESSAGE FROM THE GOVERNOR.

A message was received from the Governor requiring executive session.

SENATE BILLS ON THIRD READING.

S. B. No. 5, An Act to appropriate money for the support of the Industrial Institute and College at Columbus, for the addition of certain departments thereto, to provide for elevators, and for the erection of an Industrial Hall and laundry, and for the enlargement of the chapel building, and for the repairs and equipment of the buildings of said institution during the years 1902 and 1903, and to provide for payment of same.

To this bill the committee proposed the following amendment, viz.:

Amend by inserting "for the erection and equipment of an Industrial Hall, \$20,000."

Pending consideration of which, at 5.50 P. M., on motion of Mr. Clinton, the Senate went into executive session with closed doors.

At 5.55 P. M. the Senate resumed legislative business with open doors.

Whereupon, on motion of Mr. Seawright, the Senate adjourned until to-morrow morning at 10 o'clock.

JOHN Y. MURRY, JR., *Secretary*.

EIGHTH DAY.

FRIDAY, January 17, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Rev. J. R. Farish.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes,

Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 43.

Absent—Messrs. Evans and Ventress—Total 2.

On motion of Mr. Bradley the reading of the journal of yesterday was dispensed with and the same stood approved.

The courtesies of the Senate were extended to Gen. A. P. Stewart, of the Chickamauga National Park Commission, and to Hon. W. B. Mixon, of Pike County.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT.

JACKSON, MISS., January 17, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following subject, to-wit:

An Act to allow solvent banks within the State to take on loan or deposit any idle money in the State treasury to an amount equal to fifty per cent of its paid-up capital and surplus combined, whenever such bank shall deposit with the State Treasurer an equal amount of State bonds, or United States bonds.

An Act allowing all bonds required of State officials to be made through guarantee bond companies, to be paid for by the State.

Respectfully,

A. H. LONGINO, *Governor.*

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has adopted the following resolutions, which are herewith transmitted, to-wit:

Senate Concurrent Resolution No. 6, a concurrent resolution inviting Dr. E. A. Alderman, President of Tulane University, to address the Legislature.

House Concurrent Resolution to appoint a committee to visit and investigate the needs of the National Hospital and State Charity Hospital at Vicksburg, and the Speaker named as members of the committee on the part of the House Messrs. Senter, Miller, Dodds, Moore and Loper.

Also a concurrent resolution memorializing the Senators and Representatives in Congress to urge the passage of a bill by Congress refunding to the ten States from which was collected the tax collected on cotton immediately after the war.

And has passed H. B. No. 25, to be entitled An Act to appropriate money for the support of the common schools for the years 1902 and 1903.

L. PINK SMITH, *Clerk.*

EXECUTIVE MESSAGE.

A message was received from the Governor for attention, in executive session.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the matter pending at the hour of adjournment yesterday afternoon, being first committee amendment to S. B. No. 5, an Act to appropriate money for the support of the Industrial Institute and College at Columbus, for the addition of certain departments thereto, to provide for elevators, and to provide for the erection of a laundry, and for the remodeling of the chapel building, and for the repair and equipment of the buildings of said institution during the years 1902 and 1903, and to provide for the payment of same.

Mr. Bradley moved the previous question upon the adoption of the amendment.

The call was sustained, whereupon the amendment providing for the erection and equipment of Industrial Hall, \$20,000, was adopted by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Falkner, Gardner, George, Heard, Hicks, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 31.

Nays—Messrs. Bailey, Broyles, Cooper, Dunn, Farley, Hinton, Jones, Key, Seawright—Total 9.

Absent and those not voting—Messrs. Clinton, Crawford, Evans, Hughes and Ventress—Total 5.

On motion of Mr. Moore the second committee amendment to the bill as amended, was adopted as follows, viz.: "For the erection and equipment of two fire escapes, \$1,700."

Whereupon, on motion of Mr. Moore, the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 38.

Nays—Messrs. Cooper, Jones, Key—Total 3.

Absent and those not voting — Messrs. Clinton, Crawford, Evans and Ventress—Total 4.

On motion of Mr. Moore the title was amended by inserting before the words "a laundry," in fifth line, the words "an Industrial Hall and," whereupon the title as amended was adopted.

Mr. Evans, in behalf of the Business League of Gulfport, extended an invitation to the Senate, its officers and employees and their friends, to visit Gulfport on the 24th inst., and announced that a special train would be in readiness for the occasion.

On motion of Mr. Adams the invitation was accepted by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Cayce, Chrisman, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Gardner, George, Heard, Hicks, Kiger, Martin, McGehee, Moore, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Wharton, Yarbrough, Young—Total 28.

Nays — Messrs. Campbell, Dunn, Falkner, Farley, Hinton, Hughes, Jones, Key, Looney, Noel, Seawright, Wilson—Total 12.

Absent and those not voting — Messrs. Cooper, Crawford, Evans, Lee and Ventress—Total 5.

Mr. Dulaney offered the following resolution, viz.:

Resolved, That when the Senate adjourn after the morning session of to-day that adjournment stand until three o'clock Monday next.

Mr. George moved to strike out the words "morning session" and insert in lieu thereof the words "afternoon session," which amendment was accepted by Mr. Dulaney.

Mr. Dunn moved to table the resolution as amended, which motion prevailed.

HOUSE BILL ON THE CALENDAR.

On motion of Mr. Kiger H. B. No. 25, An Act to appropriate money for the support of the common schools of the State of Mississippi for the years 1902 and 1903, was read twice, under a suspension of the rules, and referred to the Committee on Finance.

The following resolution, introduced by Mr. Hinton, was on motion adopted, viz.:

Resolved, That the Secretary of State be requested to have copies of the Acts of the Legislature of 1900 placed upon the desks of the members of the Senate.

INTRODUCTION OF BILLS.

The following bills were introduced, read twice, under a suspension of the rules, and referred to the following committees, viz.:

By Mr. Rowan—

S. B. No. 31, An Act to provide for the nomination of candidates for the office by the various political parties of the State.

To Registration and Elections.

By Mr. Gardner—

S. B. No. 32, An Act to provide public depositories, and to protect and secure public funds in their custody.

To Judiciary.

By Mr. Moore—

S. B. No. 33, An Act to provide for the revision and codification of the statute laws of the State.

To Judiciary.

SENATE CONCURRENT RESOLUTION.

The following concurrent resolution, introduced by Mr. George, was read twice, under a suspension of the rules, and referred to Committee on Constitution, viz.:

S. C. R. No. 11, A Concurrent Resolution to submit to the qualified electors of the State a proposed amendment to the Constitution of 1890 providing for State prohibition.

At 12.30 P. M., the Senate, on motion of Mr. Bradley, went into executive session with closed doors, and at 12.35 P. M., resumed legislative business with open doors.

Leave of absence from day to day was granted Mr. Bailey on account of sickness in his family, and to Messrs. Adams, Yarbrough, Sharborough, Cayce, Clinton and Gardner on account of business.

Mr. Dulaney moved to reconsider the vote whereby his resolution, looking to an adjournment until Monday afternoon next, was heretofore lost, which motion prevailed by a standing vote of 19 to 15. Whereupon the resolution on motion was adopted.

Mr. Dunn moved to reconsider the vote whereby the resolution was adopted.

Mr. Kiger moved to table the motion to reconsider.

Mr. Dulaney made the point of order that Mr. Dunn, having voted "no" on the passage of the resolution, could not make the motion to reconsider, which motion the Chair sustained.

Mr. Dunn appealed from the decision of the Chair, alleging that the yeas and nays not having been called, and there being no record of his vote, he was entitled, under the rules, to make the motion, which appeal the Chair announced was not in order at this time, another Senator having the floor on another proposition.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

Under a suspension of the rules the Finance Committee made the following report, to-wit:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 18, An Act to make an appropriation for the payment of the amount of money expended by the Trustees of the Agricultural and Mechanical College in excess of the appropriation made for the building and equipment of the Textile School at Starkville, Mississippi.

Title sufficient; that bill do pass.

H. B. No. 25, An Act to appropriate money for the support of the common schools of Mississippi for the years 1902 and 1903.

Title sufficient; that bill do pass.

BRADLEY, *Chairman*.

On motion of Mr. Kiger the rules were suspended and the bill just reported, to-wit: H. B. No. 25, to appropriate money for the common schools of the State of Mississippi for the years 1902 and 1903, was called up for consideration.

Mr. Gardner moved the previous question on the third reading and passage of the bill.

The call was sustained, whereupon the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Wharton, Wilson, Yarbrough, Young—Total 37.

Absent and those not voting—Messrs. Bailey, Clinton, Cooper, Crawford, Evans, Lee, Taylor and Ventress—Total 8.

Title standing as stated.

Mr. Broyles entered a motion to reconsider the vote whereby the foregoing bill was passed.

On motion of Mr. Gardner the Senate, at 1.10 P. M., took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment, President Harrison in the chair, a quorum being present.

Mr. Broyles obtained unanimous consent to withdraw his motion this morning entered to reconsider the vote whereby the Senate passed H. B. No. 25, An Act to appropriate money for the support of the common schools of the State of Mississippi for the years 1902 and 1903.

Mr. Sheppard entered a motion to reconsider the vote whereby the resolution providing for adjournment of the Senate until Monday afternoon next, this morning passed the Senate.

On motion of Mr. Kiger, at 3.15 P. M., the Senate went into executive session with closed doors.

At 3.20 P. M. the Senate resumed legislative business with open doors.

Mr. George moved that the Senate now adjourn, which motion was lost.

Mr. Sheppard announced that in view of the fact that sundry Senators relying upon the resolution this morning adopted to ad-

journ until Monday afternoon next, had arranged to absent themselves until such time, withdrew his motion to reconsider the vote whereby the same was adopted, and asked that the journal show that he was opposed to said resolution.

SENATE BILLS ON THIRD READING.

S. B. No. 14, An Act to provide for the payment of interest due the University of Mississippi on account of the 1894 land grant fund for the period from March 10, 1900, to November 1, 1901.

On motion of Mr. Falkner the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Broyles, Campbell, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, George, Heard, Hicks, Hinton, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton Sheppard, Taylor, Wilson, Young—Total 30.

Absent and those not voting—Messrs. Adams, Bailey, Bradley, Cayce, Clinton, Cooper, Evans, Farley, Gardner, Hughes, Lee, Seawright, Ventress, Wharton and Yarbrough—Total 15.

The title standing as stated.

INTRODUCTION OF BILLS.

Under a suspension of the rules S. B. No. 34, An Act to amend Section 1574, Code of 1892, and to repeal Sections 1575 and 1576 and 1610 to 1620 inclusive of said Code, thereby prohibiting the sale or giving away to induce trade of intoxicants, was introduced by Mr. Broyles by request, read twice and referred to the Committee on Temperance.

The courtesies of the Senate, on motion of Mr. Abbay, were extended to Rev. Mr. Trigg.

SENATE CONCURRENT RESOLUTIONS.

Mr. Campbell called up for consideration S. C. Res. No. 1, a concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

On motion of Mr. Campbell the resolution was read in full and passed its first reading and day by the following vote, viz.:

Yeas—Messrs. Abbay, Bradley, Broyles, Campbell, Chrisman, Crawford, Dulaney, Dunn, Falkner, Farley, George, Heard, Hicks, Hinton, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Wilson, Young—Total 30.

Absent and those not voting—Messrs. Adams, Bailey, Cayce, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Evans, Gardner, Hughes, Lee, Seawright, Ventress, Wharton and Yarbrough—Total 15.

S. C. Res. No. 7, a concurrent resolution proposing an amendment to the Constitution requiring that all changes, alterations or amendments of said Constitution be inserted by the Legislature at the next succeeding session after the election requiring such change, alteration or amendment.

On motion of Mr. Jones the resolution was read in full and passed its first reading and day by the following vote, viz.:

Yeas—Messrs. Bradley, Broyles, Campbell, Chrisman, Cooper, Crawford, Dent of Fourth District, Dunn, Falkner, Farley, George, Heard, Hinton, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Wilson, Young—Total 29.

Nays—Mr. Abbay—Total 1.

Absent and those not voting—Messrs. Adams, Bailey, Cayce, Clinton, Dent of Sixteenth District, Dulaney, Evans, Gardner, Hicks, Hughes, Lee, Seawright, Ventress, Wharton and Yarbrough—Total 15.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

Report of Committee on Agriculture, Commerce and Manufactures:

MR. PRESIDENT: The Committee on Agriculture, Commerce and Manufactures has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

S. B. No. 10, An Act to provide for the establishment of a permanent branch agricultural experiment station in the Yazoo-Mississippi Delta.

Title sufficient; bill do pass.

BAILEY, *Chairman.*

RESOLUTION OUT OF ORDER.

Mr. George obtained consent to the introduction of the following resolution, viz.:

WHEREAS, The returns in the recent election in this State to fill vacancies in the offices of Secretary of State and State Treasurer were not opened by the Secretary of State, but were kept as received by him and delivered to the Speaker of the House of Representatives at the present session, and were opened and the result of the election declared as in case of the regular election provided for by the Constitution; and,

WHEREAS, If such action is to be a precedent whereby in case of a special election to fill a vacancy in a State office occurring after a special session of the Legislature the result could not be declared until the next regular session (unless an extraordinary one is called) of the Legislature, which would be after the term of the office would expire, and thus the will of the Legislature as

declared in the Act of March 1, 1900, providing for filling vacancies in State offices in certain cases, would be defeated; therefore,

Resolved, That the Judiciary Committee report whether said Act admits of the construction placed upon it by the action aforesaid, to the end that, if it is so defective, it may be brought to the attention of the Governor, who may submit to the Legislature the propriety of immediately amending said act so as to make it effective according to the purpose of the Legislature in enacting it.

On motion of Mr. George the foregoing resolution was adopted.

Mr. George called up the motion heretofore entered to reconsider the vote whereby S. B. No. 12, An Act to provide for a collateral inheritance and succession tax, passed the Senate and obtained unanimous consent to withdraw the same.

Mr. Dulaney re-entered the motion to reconsider the vote whereby the said bill was passed.

On motion of Mr. George S. B. No. 7, An Act to increase the salaries of officers of the State and other officers, was made the special order for 11 o'clock Tuesday morning next.

At 4.45 P. M., on motion of Mr. Bradley, the Senate adjourned until 3 o'clock Monday afternoon next.

JOHN Y. MURRY, JR., *Secretary*.

NINTH DAY.

MONDAY, January 20, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Senator McGehee.

The roll being called the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Heard, Hicks, Hinton, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Rowan, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 33.

Absent—Messrs. Broyles, Cayce, Clinton, Cooper, Evans, Gardner, Hughes, Lee, Noel, Sanders, Seawright, and Shelton—Total 12.

On motion of Mr. George the reading of the journal of Friday was dispensed with and the same stood approved.

Leave of absence was granted Mr. Seawright for two days, and from day to day, on account of sickness, to Mr. Cooper.

The courtesies of the Senate were extended to Dr. Christmas, of Holmes County.

REPORT OF STANDING COMMITTEE.

Report of Committee on Engrossed Bills:

MR. PRESIDENT: The Committee on Engrossed Bills has had under consideration the following bill referred to them, and have instructed me to report back that the same has been correctly engrossed, to-wit:

S. B. No. 5, An Act to appropriate money for the support of the Industrial Institute and College at Columbus, for the addition of certain departments thereto, to provide for elevators and for the erection of an Industrial Hall and laundry, and for the enlargement of the Chapel building, and for the repairs and equipment of the buildings of said institution during the years 1902 and 1903, and to provide for payment of same.

McGEHEE, *Chairman*.

On motion of Mr. Dulaney, H. Con. Res. providing for the appointment of a committee to visit and investigate the needs of the Natchez Hospital and the State Charity Hospital at Vicksburg, was tabled subject to call.

Mr. George called from the table the resolution introduced on a former day by Mr. Adams, declaring it to be the sense of the Senate that the Board of Control should suspend Warden Parchman, pending further investigation of the report of the joint committee to investigate the management of the State penitentiary, and moved that the same be made the special order for 3 o'clock to-morrow afternoon.

Mr. Taylor moved to amend by setting the time for the consideration thereof at 3 o'clock Thursday afternoon next.

Mr. George moved as a substitute to Mr. Taylor's amendment that the matter be made the special order for Wednesday afternoon next at 3 P. M.

Mr. Dulaney moved to table Mr. George's substitute, which motion was lost.

Whereupon Mr. George's substitute was adopted.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., January 20, 1902.

TO THE SENATE—GENTLEMEN: I am in receipt of the following communication signed by Honorables E. H. Moore, L. C. Dulaney, W. B. Martin, R. F. Abbay, R. B. Campbell, A. F. Gardner, T. B. Dudley, E. N. Thomas, Geo. B. Shelby, E. L. Irby, Van B. Boddie, S. R. Coleman, Sam Ham, M. E. Denton, S. D. Neill and W. A. Alcorn, asking the submission of the same to your

honorable body for such consideration and action as in your judgment is best, to-wit:

"The undersigned Representatives and Senators from the counties composing the Fourth Circuit Court District respectfully submit the following facts to your Excellency:

"Since the creation of this district there has been an increase in population to about fifty thousand. This increase has been principally by the immigration of negroes.

By reason of this increase in population, which has been attended with an appalling increase in crime, the term of the court in several of the counties is entirely inadequate for the proper dispatch of business.

In Leflore County the term is now two weeks. It is not possible to transact the criminal business in this length of time, and the civil business is, therefore, forced to be continued or dismissed.

As an evidence of the amount of work to be done, last year nineteen felons were convicted and sentenced to the penitentiary and two sentenced to death in this county, and there are at present eleven men in the county jail under indictment for murder alone. It will be seen from this statement of facts that no less than four weeks will be sufficient for the transaction of the business of the county.

In the counties of Coahoma and Bolivar the conditions are identical with Leflore. As a result and necessary consequence of these conditions it is never possible to try misdemeanors in the Circuit Court. The entire time of the court is taken up with the trial of felonies, and those who commit misdemeanors go absolutely unwhipped of justice. Blind tigers are punished by Justices of the Peace, but if the penalties imposed are heavier than they wish to submit to they simply prosecute an appeal to the Circuit Court, knowing that it will be impossible for their cases to be reached for the reasons above stated. Crime is on the increase in our district to an alarming extent, and we believe this is largely due to the conditions above mentioned. There were eighty-five sentences to the penitentiary and six sentences to hang in our district last year, and every jail in the district is full now of criminals awaiting trial. It is next to impossible, in fact it is impossible, for litigants in civil matters to have their cases tried, and the Constitutional guaranty of a speedy trial is denied those charged with crime.

It is not possible under these conditions to enforce the criminal law, and without its enforcement the respect of the law and for the courts which is absolutely necessary to a proper administration of justice is lacking.

"The terms of court, as at present fixed in our district, consume forty-eight weeks of the year. It is therefore not possible to extend the terms of our several courts without taking several of the counties now in the district out.

The premises considered we most earnestly request your Excellency to submit to this Legislature the proposition to create a new Circuit Court District."

I am further advised that a similar condition of affairs exists in the Third Circuit Court District, and I submit the subject-matter of creating a new Circuit Court District from the two districts mentioned, to your consideration for such action as you deem proper.

Respectfully,

A. H. LONGINO, *Governor*.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., January 20, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following subjects, to-wit:

An Act to authorize the city of Columbus to issue certain bonds to refund and pay off outstanding bonds heretofore issued to the Columbus, Fayette & Decatur Railroad, or bearer.

An Act to authorize the city of Columbus to issue and sell bonds to build a new city hall, complete sewerage plant, and erect a new school building.

Respectfully,

A. H. LONGINO, *Governor*.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., January 20, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper, the following matter, to-wit:

An Act authorizing the county of Grenada, in the State of Mississippi, to issue bonds in the amount of \$25,000, to run not less than twenty years, for the purpose of liquidating the present indebtedness of said county, and for further internal improvements.

Respectfully,

A. H. LONGINO, *Governor*.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., January 20, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following matter, to-wit:

An Act to amend Chapter 215 of the Acts of 1896, authorizing the Mobile, Jackson & Kansas City Railroad Company to locate its railroad within the State of Mississippi.

Respectfully,

A. H. LONGINO, *Governor*.

Mr. Campbell called up for its second reading S. C. R. No. 1, a concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

On motion of Mr. Campbell the resolution was read in full, and passed its second day and reading by the following vote, viz.:

Yeas—Adams, Bailey, Campbell, Chrisman, Crawford, Dent of Fourth District, Dulaney, Falkner, Farley, George, Heard,

Hicks, Hinton, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Rowan, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 28.

Nays—Messrs. Abbay, Dunn, Sharborough—Total 3.

Absent and those not voting—Messrs. Bradley, Broyles, Cayce, Clinton, Cooper, Dent of the Sixteenth District, Evans, Gardner, Hughes, Lee, Noel, Sanders, Seawright and Shelton—Total 14.

Mr. Dunn obtained consent to have spread upon the journal an explanation of his vote on the second reading of the above resolution as follows:

I voted "nay" on Senate Concurrent Resolution No. 1, for the reason that it does not appear that the Governor has submitted the question of the proposed amendment to the Legislature at this session, and I therefore do not think that the Legislature has the constitutional authority to propose the amendment at this time. Its authority being limited by Sections 36 and 121 of the Constitution to the consideration of such matters and subjects as may be submitted by the Governor, except as to revenue and appropriation bills.

INTRODUCTION OF BILLS.

The following bills were introduced, read twice, under a suspension of the rules, and referred to committees as follows:

By Mr. Bailey—

S. B. No. 35, An Act making an appropriation for the support, repairs and improvement of the Mississippi Agricultural and Mechanical College.

To Finance.

By Mr. Sheppard—

S. B. No. 36, An Act to amend Chapter 215 of the Acts of 1896, authorizing the Mobile, Jackson & Kansas City Railroad Co. to locate its railroad within the State of Mississippi.

To Railroads.

By Mr. Crawford—

S. B. No. 37, An Act to amend Section 3182, Code 1892, so as to require appraisers' inventory to be made on January 15th each year and clerks' books to be balanced from same.

To Penitentiary and Prisons.

By Mr. Crawford—

S. B. No. 38, An Act to classify the State convicts and fix values on labor of same.

To Penitentiary and Prisons.

By Mr. Crawford—

S. B. No. 39, An Act to amend Section 3119, Code 1892, so as to include grade or class number for convicts.

To Penitentiary and Prisons.

By Mr. Crawford—

S. B. No. 40, An Act to amend Section 3182, Code 1892, so as

to strike out the names of the Governor and Attorney General as officers of the Board of Control.

To Penitentiary and Prisons.

RESOLUTION.

The following resolution, introduced by Mr. Young, under a suspension of the rules, was on motion adopted, viz.:

Resolved, That the Secretary of State be instructed to have published, as soon as practicable, for the use of the Senate, two hundred copies of the Rules of the Senate, together with the various Senate and joint committees.

T. W. YOUNG.

REPORT OF SPECIAL COMMITTEE ON GOVERNOR'S MESSAGE.

MR. PRESIDENT: The Committee on the Governor's Message has had the same under consideration and has instructed me to report the following matters or subjects as therein submitted to the Legislature for consideration at the present session, viz.:

1. Good Roads, with the recommendation that such laws be passed as will further the building of better roads.

2. The establishment and maintenance of a Soldiers' Home for indigent Confederate soldiers.

3. Public Health, and all matters properly belonging to the department of the Board of Health.

4. The Redistricting of the State into Eight Congressional Districts.

5. The location of a Branch Experiment Station, with the recommendation that one be located in the Yazoo-Mississippi Delta.

6. Diseases of Animals, with the recommendation that the office of State Veterinarian, and a State Live Stock Sanitary Board be created with authority to protect live stock against contagious diseases, etc.

7. An amendment of the law, transferring to the office of the Land Commissioner all the records pertaining to tax lands heretofore kept in the Auditor's office, and to require tax collectors hereafter to certify to the Land Commissioner the lists of all lands forfeited to the State for non-payment of taxes, to be listed and recorded in the Land Commissioner's office, with the authority to deal therewith in the matter of redemption, instead of the Auditor.

8. The establishment of a State Training School for teachers.

9. Enumeration of the educable children of the State.

10. The suggestions contained in the report of the Trustees and President of the A. and M. College.

11. The needs of the I. I. and C. set forth in the reports of the Trustees and President thereof.

12. Fees and Salaries.

13. Such recommendations for the more efficient management and care of the East Mississippi Insane Hospital as are made in the reports of the Trustees and Superintendent thereof.

14. The needs of the State Insane Hospital, as set forth in the report of the Medical Superintendent and Board of Trustees thereof.

15. Providing for a suitable exhibit of the State's resources at the Louisiana Purchase Exposition in 1903.

16. Settlement of the water boundary between Louisiana and Mississippi.

17. Report of the Commission to ascertain and determine the position occupied by Mississippi troops in the defense of Vicksburg, for such action as the Legislature may deem proper.

18. Amending the law so as to provide for the appointment of Notaries Public only in places where there is neither Justices of the Peace nor Clerks of the Courts.

19. The suggestions and requests made by the Capitol Commission in its report.

20. Codification of the laws.

21. Trusts and Combines, recommended by the Attorney General.

22. Saving clause, recommended by the Attorney General.

23. Taxes, recommended by the Attorney General.

24. Privilege Taxes, recommended by the Attorney General.

25. Statistical, recommended by the Attorney General.

26. Suggestions of the Auditor, relative to the revision of Insurance and Banking laws, the establishment of a department in charge of a commissioner to examine and supervise all insurance, banking, building and loan and other corporations, or orders doing business in Mississippi.

27. Primary Elections.

RAMSEY WHARTON, *Chairman.*

On motion of Mr. Abbay, the report was adopted and the committee discharged.

On motion of Mr. Dunn S. B. No. 27, An Act to repeal Section 1575 of the Annotated Code of 1892, relating to granting of license to retail vinous, malt, alcoholic, intoxicating or spirituous liquors by Boards of Supervisors, and to amend Section 1576 of the Annotated Code of 1892, relating to the granting of licenses to retail liquors by Boards of Mayor and Aldermen of cities, towns or villages, was made the special order for 10 o'clock Wednesday morning next.

At 5.25 P. M., on motion of Mr. McGehee, the Senate adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary.*

TENTH DAY.

TUESDAY, January 21, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names :

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 40.

Absent—Messrs. Cayce, Cooper, Evans, Sanders, and Seawright—Total 5.

On motion of Mr. Dunn the reading of yesterday's journal was dispensed with, and the same stood approved.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 29, To be entitled an Act to provide for the payment of interest due the University of Mississippi on account of 1894 land grant funds for the period from March 10, 1900, to November 1, 1901.

H. B. No. 37, To be entitled An Act to make an appropriation to defray the expenses of the Institute for the Blind and for other purposes.

H. B. No. 42, To be entitled An Act to raise revenue by making valid and of binding effect all contracts made previous to the passage of this Act and subsequent to March 1, 1900, which are or were null and void, or voidable under previous or existing laws, because of non-payment of privilege taxes due when such contracts were made, upon terms of full payment of all such privilege taxes so in default with two-hundred per centum damages thereon, within sixty days after the passage of this act.

L. PINK SMITH, *Clerk*.

REPORTS OF COMMITTEES.

Report of Committee on Railroads:

MR. PRESIDENT: The Committee on Railroads has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

S. B. No. 36, An Act to amend Chapter 215 of the Acts of 1896 authorizing the Mobile, Jackson & Kansas City Railroad Company to locate its railroad within the State of Mississippi.

Title sufficient; that bill do pass.

L. C. DULANEY,
Acting Chairman as second on Committee.

Report of Committee on Temperance:

MR. PRESIDENT: The Committee on Temperance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

S. B. No. 27, To be entitled An Act to repeal Section 1575 of the Annotated Code of 1892, relating to the granting of license to retail vinous, malt, alcoholic and intoxicating or spirituous liquors by Boards of Supervisors, and to amend Section 1576 of the Annotated Code of 1892, relating to the granting of license to retail liquors by Boards of Mayor and Aldermen of cities, towns or villages.

Title sufficient, and bill do pass.

GEORGE, *Chairman.*

Mr. Falkner obtained unanimous consent to withdraw a resolution heretofore introduced by him asking an investigation as to whether Hon. W. G. Evans, Jr., is the legal Senator at this time of the First Senatorial District, and entitled to his seat as such in the Senate.

INTRODUCTION OF BILLS.

The following bills were introduced, read twice, under a suspension of the rules, and referred to the following committees, viz.:

By Mr. Heard—

S. B. No. 41, An Act making appropriation for the payment of fees due Critz & Becket for legal services rendered the State in injunction suits against the Railroad Commission.

To Local and Private Legislature.

Mr. Campbell called up the motion heretofore entered to reconsider the vote whereby S. B. No. 12, An Act to provide for a collateral inheritance and succession tax, passed by the Senate, and moved to table the motion to reconsider, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Hicks, Hinton, Jones, Key, Looney, Martin, Moore, Noel, Rowan, Shelton, Young—Total 22.

Nays—Messrs. Abbay, Broyles, Dulaney, Farley, George, Heard, Hughes, Kiger, Sharborough, Taylor, Ventress, Wharton, Yarbrough—Total 13.

Absent and those not voting—Messrs. Cayce, Cooper, Evans, Gardner, Lee, McGehee, Sanders, Seawright, Sheppard, and Wilson—Total 10.

Leave of absence from day to day was granted Mr. Seawright, and on account of sickness to Mr. Sanders.

The Sergeant-at-Arms being absent, on account of sickness, the Chair announced the appointment of John Dulaney, acting page, to act as Sergeant-at-Arms for the time being.

Mr. Dulaney called up H. C. Res., providing for the appointment of a committee to visit and investigate the needs of the Natchez Hospital and the State Charity Hospital at Vicksburg, and moved that the committee on the part of the Senate should consist of nine Senators, to be appointed by the Chair, which motion prevailed.

Whereupon, on motion of Mr. Dulaney, the resolution was concurred in, and the Chair announced as the committee provided for on the part of the Senate Messrs. Dent of the Sixteenth District, Wharton Dulaney, Sharborough, Bailey, Chrisman, Wilson, Adams and McGehee.

RESOLUTION.

Under a suspension of the rules, Mr. Noel introduced the following resolution, which was on motion adopted, viz.:

WHEREAS, On the 3d of January, 1902, the Governor, A. H. Longino, received, at his place of residence, a letter from Senator Evans tendering his resignation as Senator from the First District, and on the same day informed his private secretary that he would bring the letter to his office the next morning and accept said resignation, and in anticipation of said acceptance directed by telegraph the Circuit Clerk of the district to convene the Election Commissioners and that proclamation would follow, and mailed such proclamation; and,

WHEREAS, On the same day, and before the proclamation had left the Jackson post office, and before said resignation had been actually accepted, or letter deposited in the Governor's office, said resignation was, by telegram to the Governor from Senator Evans, withdrawn, and thereupon, on the next morning, the Governor, by telegram countermanded the order for an election; and,

WHEREAS, The person who assumes office enters into a compact which is not dissolved by resignation till the same is actually accepted; and,

WHEREAS, Revenue and appropriation bills involving millions of dollars are now being acted on, and also an oyster bill chiefly affecting the people of the first Senatorial District, who should not now be excluded from a voice in this chamber on doubts and uncertainties; and,

WHEREAS, The Senate is the sole judge of questions affecting its membership, its decision, whatever it may be, being reviewable

by no court and jeopardizing the validity of no legislation, therefore, be it

Resolved, That it is the judgment of this Senate that there is no vacancy in the Senatorship of the First District, and that Senator Evans is entitled to his seat.

Messrs. Campbell and Dunn obtained consent to have the journal show that they voted "nay" on the foregoing resolution, believing that there is a vacancy from said district.

On motion of Mr. Falkner, it was ordered that the Secretary be requested and instructed to refer all bills reported from the House to proper committees immediately upon their receipt by him.

Mr. Jones called up for consideration and second reading S. C. Res. No. 7, a concurrent resolution proposing an amendment to the Constitution requiring that all changes, alterations or amendments of said Constitution be inserted by the Legislature at the next succeeding session after the election requiring such change, alteration or amendment.

On motion of Mr. Jones the said resolution passed its second day and reading by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Broyles, Campbell, Chrisman, Crawford, Dent of Fourth District, Falkner, Farley, George, Heard, Hicks, Hinton, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wilson, Yarbrough, Young—Total 30.

Nays — Messrs. Abbay, Bradley, Dent of Sixteenth District, Dulaney, Dunn—Total 5.

Absent and those not voting—Messrs. Cayce, Clinton, Cooper, Evans, Gardner, Hughes, Lee, Sanders, Seawright, and Wharton—Total 10.

Mr. Kiger obtained unanimous consent to withdraw S. B. No. 29, An Act to divide the State into eight Congressional Districts.

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the calendar were read twice, under a suspension of the rules, and referred to committees as follows, viz.:

H. B. No. 29, An Act to provide for the payment of interest due the University of Mississippi on account of 1894 land grant fund for the period from March 10, 1900, to November 1, 1901.

To Universities and Colleges.

H. B. No. 37, An Act to make appropriation to defray the expenses of the Institute for the Blind, and for other purposes.

To Humane and Benevolent Institutions.

H. B. No. 42, An Act to raise revenue by making valid and of binding effect all contracts made previous to the passage of this act, and subsequent to March 1, 1900, which are or were null and void, or voidable under previous or existing laws, because of non-payment of privilege taxes due when such contracts were made,

upon terms of full payment of all such privilege taxes so in default with two hundred per centum damages thereon, within sixty days after the passage of this act.

To Finance.

Mr. Kiger in the chair.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, the same being Senate Bill No. 7, An Act to increase the salaries of officers of the State, and other officers.

On motion of Mr. Moore it was ordered that the bill be considered by items.

To Section 1 of the bill, in reference to the Governor's salary, Mr. Dulaney offered the following amendment, viz.:

Amend by inserting "four thousand" instead of "five thousand" where five thousand appears.

Pending consideration of which, at 1 o'clock, the Senate, on motion of Mr. Taylor, took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order pursuant to adjournment by President Harrison, a quorum being present.

The courtesies of the Senate were extended to Hon. J. D. McKie, of Harrison County.

On motion of Mr. Falkner the Senate took a recess for thirty minutes, at the expiration of which time the Senate resumed legislative business.

Mr. Kiger in the chair.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the matter pending at the hour of adjournment this forenoon, being Mr. Dulaney's amendment to S. B. No. 7, An Act to increase the salaries of officers of the State and other officers.

Mr. Campbell moved as a substitute for Mr. Dulaney's amendment that the item relative to Governor's salary be stricken from the bill.

Mr. Dulaney moved to table the substitute, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Bradley, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Falkner, George, Heard, Hicks, Hinton, Kiger, Lee, Martin, McGehee, Moore, Noel, Rowan, Ventress—Total 19.

President Harrison in the chair.

Mr. Clinton moved the indefinite postponement of the bill as amended, which motion prevailed by the following vote, viz.:

Yeas — Messrs. Bailey, Broyles, Campbell, Clinton, Dent of Fourth District, Dent of Sixteenth District, Falkner, Farley, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, Noel, Rowan, Sanders, Sharborough, Shelton, Taylor, Wharton, Wilson, Yarbrough, Young—Total 25.

Nays — Messrs. Abbay, Bradley, Dulaney, Dunn, George, Heard, Kiger, Lee, McGehee, Moore, Sheppard, Ventress — Total 12.

Absent and those not voting—Messrs. Adams, Cayce, Chrisman, Cooper, Crawford, Evans, Gardner and Seawright—Total 8.

PAIRS.

Mr. Adams announced that he was paired on this question generally with Mr. Seawright, and Mr. Gardner stated that he was paired with Mr. Chrisman. Messrs. Chrisman and Seawright would have voted "aye," Messrs. Adams and Gardner "nay."

Mr. Hughes moved that the Senate now adjourn, which motion was lost.

On motion of Mr. Yarbrough, S. B. No. 18, An Act making appropriation for the payment of the amount of money expended by the Trustees of the Agricultural and Mechanical College in excess of the appropriation made for the building and equipment of the Textile School at Starkville, Mississippi, was tabled subject to call.

At 5.30 P. M., on motion of Mr. Moore, the Senate adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

ELEVENTH DAY.

WEDNESDAY, January 22, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Clinton, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Shep-

pard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 40.

Absent—Messrs. Chrisman, Cooper, Dent of the Fourth District, Evans and Seawright—Total 5.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

H. B. No. 35, To be entitled An Act to transfer to the office of the Land Commissioner all State Land records, all levee land records, and other land records, except assessment rolls, now in the Auditor's office, and to repeal Sections 3815, 3837, 3857, 3858, 3859, 3863, 3864, 3865, and 3866 of the Annotated Code of 1892.

And has adopted Concurrent Resolution naming a committee of two on the part of the House and ——— on part of the Senate to arrange for the reception of Dr. E. A. Alderman, who will address the Legislature in the hall of the House of Representatives at eight o'clock this evening, and named as members of the committee on part of the House Messrs. Senter and Crum.

L. PINK SMITH, *Clerk*.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bill, and now present it for your signature, to-wit:

H. B. No. 25, An Act to appropriate money for the support of the common schools of the State of Mississippi for the years 1902 and 1903.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bill read by its title and signed the same, calling the attention of the Senate thereto.

On motion of Mr. Hinton the reading of the journal of yesterday was dispensed with, and the same stood approved.

The courtesies of the Senate were extended to Messrs. O. F. West of Tunica County, Dr. B. F. Duke of Jackson County, H. P. Weiss of the *New Orleans Picayune*, Judge A. H. Neville of Harrison County, and Hon. Walter Sillers of Bolivar County, and Hon. John C. Kyle of Panola County.

SPECIAL ORDER.

Mr. Dunn called up for consideration the special order for this hour, being S. B. No. 27, An Act to repeal Section 1575 of the Annotated Code of 1892, relating to granting of licenses to retail vinous, malt, alcoholic, intoxicating or spirituous liquors by Board

of Supervisors, and to amend Section 1576 of the Annotated Code of 1892, relating to the granting of licenses to retail liquors by Boards of Mayor and Aldermen of cities, towns or villages.

Mr. Dulaney offered the following amendment:

Amend by striking out "Section 1576" of Chapter 37 on dram-shops.

Mr. Abbay offered as a substitute for both the bill and amendment the following:

A bill to be entitled An Act to abolish the sale of all alcoholic, vinous, spirituous and malt liquors in the State.

Be it enacted, That the sale of all alcoholic, vinous, spirituous and malt liquors shall hereafter be prohibited in the State, unless for medicinal purposes.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed.

On motion of Mr. Clinton the substitute was tabled by the following vote, viz.:

Yeas—Messrs. Broyles, Campbell, Cayce, Clinton, Dunn, Farley, George, Hicks, Hinton, Hughes, Jones, Key, Kiger, Lee, Looney, Martin, Moore, Noel, Rowan, Sanders, Shelton, Taylor—Total 22.

Nays—Messrs. Abbay, Adams, Bailey, Bradley, Crawford, Dulaney, Falkner, Gardner, Heard, McGehee, Sharborough, Sheppard, Wharton, Yarbrough, Young—Total 15.

Absent and those not voting—Messrs. Chrisman, Cooper, Dent of the Fourth District, Dent of the Sixteenth District, Evans, Seawright, Ventress and Wilson—Total 8.

Thereupon, on motion of Mr. Dunn, the amendment proposed by Mr. Dulaney was tabled by the following vote, viz.:

Yeas — Messrs. Bailey, Bradley, Broyles, Campbell, Cayce, Clinton, Crawford, Dent of Sixteenth District, Dunn, Farley, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Wharton, Yarbrough, Young—Total 33.

Nays—Messrs. Abbay, Adams, Dulaney, Falkner, Heard—Total 5.

Absent and those not voting—Messrs. Chrisman, Cooper, Dent of Fourth District, Evans, Seawright, Ventress and Wilson—Total 7.

Mr. Kiger in the chair.

Mr. Abbay offered as an amendment to the bill a substitute, the same as heretofore offered and tabled, with the provision in reference to medicinal purposes stricken out.

Mr. Clinton moved that the bill, together with Mr. Abbay's substitute, be recommitted to the Committee on Temperance.

On motion of Mr. Hughes Mr. Clinton's motion was tabled.

On motion of Mr. Dunn the substitute offered by Mr. Abbay was tabled.

Mr. Dunn moved the previous question on the third reading and passage of the bill.

The call was sustained, whereupon the bill was considered engrossed, read the third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Broyles, Cayce, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Lee, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Wharton, Yarbrough, Young—Total 30.

Nays—Messrs. Abbay, Bradley, Campbell, Clinton, Falkner, Kiger, Martin, Shelton—Total 8.

Absent and those not voting — Messrs. Chrisman, Cooper, Dent of the Fourth District, Evans, Seawright, Ventress and Wilson—Total 7.

The title remaining the same.

Mr. Dulaney entered a motion to reconsider the vote whereby the bill passed.

On motion of Mr. Hughes the Senate concurred in House Concurrent Resolution providing for the appointment of a joint committee of the two houses to arrange for the reception of Dr. E. A. Alderman, who will address the Legislature in the House of Representatives at 8 o'clock this evening, and fixed the number of said committee on the part of the Senate at two.

Whereupon the Chair appointed on same Messrs. George and Hughes.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

H. B. No. 42, An Act to raise revenues by making valid and of binding effect all contracts made previous to the passage of this act, and subsequent to March 1, 1900, which are or were null and void or voidable under previous or existing laws because of non-payment of privilege taxes due when such contracts were made, upon terms of full payment of all such privilege taxes so in default with two hundred per centum damages thereon within sixty days after the passage of this act.

That bill do pass as amended; title sufficient.

BRADLEY, *Chairman.*

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

H. B. No. 29, An Act to provide for the payment of interest due the University of Mississippi on account of the 1894 land

grant fund for the period from March 10, 1900, to November 1, 1901.

Title sufficient; that bill do pass.

BRADLEY, *Chairman*.

Report of Committee on Engrossed Bills:

MR. PRESIDENT: The Committee on Engrossed Bills has had under consideration the following bill referred to them, and have instructed me to report back that the same has been correctly engrossed, to-wit.

S. B. No. 12, An Act to provide for a collateral inheritance and succession tax.

McGEHEE, *Chairman*.

HOUSE BILL ON THE CALENDAR.

Under a suspension of the rules H. B. No. 35, An Act to transfer to the office of the Land Commissioner all State land records, all levy land records and all other land records except assessment rolls, now in the Auditor's office, and to repeal Sections 3815, 3837, 3857, 3858, 3859, 3863, 3864, 3865 and 3866 of the Annotated Code of 1892, was read twice and referred to Committee on Public Lands.

Mr. Clinton entered a motion to reconsider the vote whereby the Senate on yesterday indefinitely postponed S. B. No. 7, An Act to increase the salaries of officers of the State and other officers.

Mr. Dunn called from the table S. B. No. 8, An Act to divide the State into eight Congressional Districts, and had same referred to special committee on Congressional Reapportionment.

On motion of Mr. Adams the resolution offered by him at a former day, declaring it to be the sense of the Senate that the Board of Control should suspend Warden Parchman pending further investigation of the report of committee to investigate the affairs of the State penitentiary, which resolution was set for 3 o'clock this afternoon, was postponed and made the special order for 3 o'clock Thursday, January 30, 1902.

Mr. Jones called up for third reading S. C. R. No. 7, a concurrent resolution proposing an amendment to the Constitution requiring that all changes, alterations or amendments of said Constitution be inserted by the Legislature at the next succeeding session after the election requiring such change, alteration or amendment.

On motion of Mr. Jones the resolution was read in full and passed its third day and reading by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Broyles, Campbell, Cayce, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Jones, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Ventress, Yarbrough, Young—Total 28.

Nays—Messrs. Abbay, Bradley, Dent of Sixteenth District, Dulaney, Dunn, Wharton—Total 6.

Absent and those not voting — Messrs. Chrisman, Clinton, Cooper, Crawford, Dent of the Fourth District, Evans, Hughes, Lee, Martin, Seawright and Wilson—Total 11.

INTRODUCTION OF BILLS.

The following bills were introduced read twice under a suspension of the rules, and referred to the following committees, viz.:

By Mr. Kiger—

S. B. No. 42, An Act to appropriate funds for the proper furnishing and fitting of the new Capitol building and the various departments thereof, and to lay off, fit and prepare the grounds around said building, and to provide for the mode of expending said funds, to authorize the issuance of State bonds for the purpose of the proper furnishing and fitting of the new Capitol building and the various departments thereof, and to lay off, fit and prepare the grounds around said building, and to provide for the payment of the interest on said bonds.

To Finance.

By Mr. McGehee—

S. B. No. 43, An Act making appropriation to pay Mrs. D. W. Hurst, widow of D. W. Hurst, for services rendered by D. W. Hurst as Judge of High Court of Errors and Appeal of this State, from the 1st day of April, 1865, to the 13th day of July, 1865, inclusive.

To Local and Private Legislation.

Mr. Campbell called up for third reading S. C. R. No. 1, a concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

Mr. Rowan offered the following substitute for the resolution, viz.:

Concurrent Resolution to amend Section (36) thirty-six of the Constitution of the State of Mississippi.

1st. *Resolved by the Legislature of the State of Mississippi* (two-thirds of each House agreeing thereto) That Section numbered thirty-six of the Constitution of this State be so amended as to read as follows:

"SECTION 36. The Legislature shall meet at the seat of government in regular session on the first Tuesday after the first Monday in January, A. D. 1904, and biennially thereafter, unless sooner convened in extraordinary session by call of the Governor."

2d. *Resolved*, That this proposed amendment be submitted to the qualified electors of the State at the general election in 1903 for ratification or rejection.

Pending consideration of which substitute Mr. Dulaney moved that the Senate adjourn until 10 o'clock to-morrow morning, which motion was lost.

On motion of Mr. Yarbrough the Senate, at 1.05 P. M., took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 o'clock by President *pro tem*. Kiger, a quorum being present.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the matter pending at the close of the forenoon session, being Mr. Rowan's substitute for S. C. R. No. 1, a concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

On motion of Mr. Campbell the substitute was adopted. Whereupon, on motion of Mr. Campbell, the resolution as amended passed its first day and reading by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Campbell, Cayce, Dent of Fourth District, Farley, George, Heard, Hicks, Hinton, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Rowan, Shelton, Sheppard, Taylor, Ventress, Wilson, Yarbrough—Total 24.

Nays—Messrs. Abbay, Bradley, Broyles, Dent of Sixteenth District, Dunn, Evans, Hughes, Jones, Noel, Wharton—Total 10.

Absent and those not voting — Messrs. Chrisman, Clinton, Cooper, Crawford, Dulaney, Falkner, Gardner, Sanders, Seawright, Sharborough and Young—Total 11.

On motion of Mr. Noel S. C. R. No. 3, a concurrent resolution to amend the Constitution of the State of Mississippi so as to make the Judiciary elective, was made the special order for to-morrow morning at 10 o'clock.

On motion of Mr. Noel S. B. No. 1, An Act to repeal all of Chapter 105, relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations for State, district, county district and county officers to be made by primary elections, was made the special order for Wednesday next at 10 o'clock A. M.

On motion of Mr. Sheppard S. B. No. 36, An Act to amend Chapter 215 of the Acts of 1896, authorizing the Mobile, Jackson & Kansas City R. R. Co. to locate its railroad within the State of Mississippi, heretofore reported by Railroad Committee, was re-committed to Committee on Local and Private Legislation.

Mr. Noel called up the motion to reconsider the vote whereby S. B. No. 27, An Act to repeal Section 1575 of the Annotated Code of 1892, relating to granting of license to retail vinous, malt, alcoholic, intoxicating or spirituous liquors by Board of Supervisors, and to amend Section 1576 of the Annotated Code of 1892,

relating to the granting of licenses to retail liquors by Boards of Mayor and Aldermen of cities, towns and villages, and moved that the vote whereby the said bill passed the Senate this forenoon be reconsidered for the purpose of further amending the bill, which motion prevailed.

The following amendment, proposed by Mr. Noel, was on motion adopted, viz.:

Amend by striking out Section 3 and inserting in lieu thereof the following:

SECTION 3. That all laws in conflict herewith are hereby repealed, but this act shall not authorize the granting of license in any city or town in a county where the sale of liquor is prohibited by law, or by action of a county under Chapter 37 of the Code of 1892, nor shall it make licenses legally granted void till expiration of the remainder of the year for which they were granted.

Mr. Dulaney offered the following amendment to the bill as amended, viz.:

Amend by inserting "three hundred" in lieu of "five hundred" wherever the same occurs in the bill.

On motion of Mr. Dunn the same was tabled.

Whereupon the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Broyles, Campbell, Cayce, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Lee, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Yarbrough, Young—Total 33.

Nays—Messrs. Abbay, Bradley, Evans, Kiger, Martin, Shelton—Total 6.

Absent and those not voting—Messrs. Chrisman, Clinton, Cooper, Falkner, Gardner, and Wilson—Total 6.

The title standing as stated.

Mr. Dulaney entered a motion to reconsider the vote whereby the bill as amended passed.

Mr. Adams called up House Memorial to the Senators and Representatives in Congress, requesting them to urge the passage of a bill by Congress refunding to the ten States from which was collected the tax collected on cotton immediately after the war.

On motion of Mr. Adams the Senate concurred in said memorial.

The following resolution, offered by Mr. Adams, was adopted by a rising vote, viz.:

WHEREAS, A distinguished member of this Senate, the Hon. A. W. Dent of the Fourth District, was married to-day, therefore,

Resolved, That the Senate unite in extending hearty congratulations to the Senator, and wishing him a long life of prosperity and happiness.

On motion of Mr. Martin H. B. No. 42, An Act to raise revenue by making valid and of binding effect all contracts made pre-

vious to the passage of this Act, and subsequent to March 1, 1900, which are or were null and void, or voidable under previous or existing laws because of non-payment of privilege taxes due when such contracts were made, upon terms of full payment of all such privilege taxes so in default, with two hundred per centum damages thereon within sixty days after the passage of this act, was tabled subject to call.

At 4.15 P. M., on motion of Mr. Bradley, the Senate adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

TWELFTH DAY.

THURSDAY, January 23, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Rev. Dr. Hutton.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 43.

Absent—Messrs. Chrisman and Cooper—Total 2.

On motion of Mr. Yarbrough the reading of the journal of yesterday was dispensed with, and the same stood approved.

The courtesies of the Senate were extended to Hon. Jeff Truly of Jefferson County, Mr. Ben. L. Jones of Sunflower County, and General White of Lauderdale County.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House has concurred in Senate Concurrent Resolution No. 8, a concurrent resolution instructing the joint committee to continue to investigate the affairs of the State penitentiary, authorizing them to send for persons and papers, etc.

L. PINK SMITH, *Clerk*.

INTRODUCTION OF BILLS.

The following bills were introduced, read twice, under a suspension of the rules, and referred to the following committees, viz.:

By Mr. Evans—

S. B. No. 44, An Act to regulate the fishing and canning of oysters in the State of Mississippi, and improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90 of the Laws of 1898.

To Finance—

By Mr. Lee—

S. B. No. 45, An Act to amend Section 3952 of the Annotated Code of Mississippi 1892, so as to fix the salary of the Secretary of the Railroad Commission at the sum of fifteen hundred dollars.

To Finance.

By Mr. Shelton—

S. B. No. 46, An Act to exempt from taxation all notes, bonds or evidence of debt made by, or which may have been made and executed by any religious body or chartered educational institution at a rate of interest not exceeding six per cent.

To Corporations.

By Mr. Hicks—

S. B. No. 47, An Act to amend Section 6 of Chapter 15 of the Acts of 1897, approved April 28, 1897, in reference to the collection and publication of vital, mortuary and sanitary statistics.

To Public Health and Quarantine.

By Mr. Falkner—

S. B. No. 48, An Act to amend Section 3952 of the Code of 1892, to increase the salary of the State Librarian to two thousand dollars.

To Finance.

By Mr. Shelton—

S. B. No. 49, An Act to divide the State into eight Congressional Districts.

To Special Committee on Congressional Reapportionment.

REPORT OF COMMITTEE ON CONSTITUTION.

MR. PRESIDENT: The Committee on Constitution has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

S. C. R. No. 10, a concurrent resolution No. 10, to amend Section 183 of the Constitution of the State of Mississippi, so that counties, judicial districts of counties, cities, or towns may elect to take stock in or vote aid to railroads, cotton or woolen factories.

Title sufficient; that resolution do pass.

Mr. Bradley called up from the table S. B. No. 18, An Act to make an appropriation for the payment of money expended by the

Trustees of the Agricultural and Mechanical College in excess of the appropriation made for the building and equipment of the Textile School at Starkville, Mississippi.

Mr. Yarbrough moved the third reading and passage of the bill.

Pending consideration of the motion the bill was, on motion of Mr. Crawford, tabled subject to call.

SPECIAL ORDER.

Consideration of the special order for this hour, to-wit: S. C. R. No. 3, Senate Concurrent Resolution to amend the Constitution of the State of Mississippi so as to make the Judiciary elective, was proceeded with.

Mr. Noel moved the first reading and day of the resolution, pending consideration of which, on motion of Mr. Bradley, the Senate, at 1 P. M., took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate convened pursuant to adjournment, President Harrison in the chair, a quorum being present.

Consideration of the matter pending at the hour the recess was taken this forenoon, being S. C. R. No. 3, To amend the Constitution of the State of Mississippi so as to make the Judiciary elective, was proceeded with.

On motion of Mr. Evans the resolution was recommitted to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 44, An Act to regulate the fishing and canning of oysters in the State of Mississippi, and improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90 of the Laws of 1898.

Do pass; title sufficient.

S. B. No. 15, An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903 for buildings and equipment needed.

Do pass as amended; title sufficient.

BRADLEY, *Chairman.*

Report of Committee on Public Lands:

MR. PRESIDENT: The Committee on Public Lands has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

S. B. No. 21, An Act to amend Section 3771 of the Annotated Code, providing for the assessment of lands every two years for the purpose of raising revenue.

Title sufficient; that the bill do not pass.

Report of Committee on Humane and Benevolent Institutions:

MR. PRESIDENT: The Committee on Humane and Benevolent Institutions has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 13, An Act to provide a home to be supported by the State for indigent and dependent soldiers and sailors of the Confederacy.

Title sufficient; do pass as amended.

S. B. No. 30, An Act to provide for a reformatory prison for juvenile convicts.

Title sufficient; bill do pass.

H. B. No. 37, An Act to make appropriation to defray the expenses of the Blind Institute, and for other purposes.

Title sufficient; do pass as amended.

BROYLES, *Chairman*.

On motion of Mr. Jones, S. C. R. No. 4, To insert into the Constitution Section 206 of the Constitution as amended, was re-committed to the Judiciary Committee.

Mr. Evans moved a suspension of the rules for the consideration out of order, of S. B. No. 44, To regulate the fishing and canning of oysters in the State of Mississippi, and improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90 of the Laws of 1898, which motion was lost.

On motion of Mr. George, S. B. No. 13, An Act to provide a home to be supported by the State for indigent and dependent soldiers and sailors of the Confederacy, was made the special order for Monday next at 3 o'clock P. M.

Mr. Bradley called up for consideration H. B. No. 29, An Act to provide for the payment of interest due the University of Mississippi on account of the 1894 land grant fund for the period from March 10, 1900, to November 1, 1901.

On motion the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharbor-

ough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 39.

Absent and those not voting—Messrs. Chrisman, Cooper, Dulaney, Hughes, Moore and Ventress—Total 6.

Title standing as stated.

Mr. Adams obtained consent to a suspension of the rules for consideration out of order of S. B. No. 30, To provide for a reformatory prison for juvenile convicts.

On motion of Mr. Adams the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Lee, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 38.

Absent and those not voting — Messrs. Chrisman, Cooper, Dulaney, Falkner, Moore, Ventress and Wharton—Total 7.

Title standing as stated.

Mr. Clinton moved to reconsider the vote whereby the Senate heretofore refused to suspend the rules for consideration out of order of S. B. No. 44, To regulate the fishing and canning of oysters in the State of Mississippi, and improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the laws of 1896, and Chapter 90 of the Laws of 1898, pending consideration of which Mr. Clinton withdrew same.

On motion of Mr. Noel 200 copies of this bill were ordered printed and the same was made the special order for 3 o'clock P. M. Tuesday next.

Mr. Campbell called up for its second day and reading S. C. R. No. 1, a concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

On motion of Mr. Campbell the resolution was read in full and passed its second day reading by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Campbell, Cayce, Clinton, Crawford, Dent of Fourth District, Evans, Falkner, Farley, George, Heard, Hicks, Hinton, Key, Kiger, Lee, Looney, Martin, McGehee, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 30.

Nays—Messrs. Bradley, Broyles, Dent of Sixteenth District, Dunn, Hughes, Jones, Noel—Total 7.

Absent and those not voting — Messrs. Abbay, Chrisman, Cooper, Dulaney, Gardner, Moore, Ventress and Wharton—Total 8.

The courtesies of the Senate were extended to Capt. W. A. Belk of Marshall County, Capt. W. G. Stovall and Mr. Steinberger of Chickasaw County.

Mr. Martin called up from the table H. B. No. 42, To raise rev-

enue by making valid and of binding effect all contracts made previous to the passage of this act, and subsequent to March 1, 1900, which are or were null and void or voidable under previous or existing laws because of non-payment of privilege taxes due when such contracts were made upon terms of full payment of all such privilege taxes so in default with two hundred per centum damages thereon within sixty days after the passage of this act.

The following amendment, proposed by Mr. Noel, was adopted, viz.:

Amend by striking out the words and figures "March 1, 1900," in the bill and in the title, and insert in lieu thereof the words and figures "November 30, 1899."

Mr. Noel offered the following amendment, which was adopted, viz.:

Insert after last word of the first section the following: "If the State received and held as privilege taxes, for one year a larger sum than was required by law; and in order to offset the same the sheriff in good faith and upon his own suggestion deducted such excess from the privilege paid by the same individual or corporation the next succeeding year, and received and accounted for the remaining privilege tax, thus paying to the State for the two years the full amount due from such time, then contract made during such two years shall come within the protection of this act without payment of any damages.

Mr. Dunn offered the following amendment, which was adopted, viz.:

Add at the end of Section 1, as amended, the following: "But no person who has illegally sold vinous or spirituous liquors at any time during which he may have been in default for privilege taxes shall have the relief herein provided. Any person seeking relief under this act shall make application in writing to the effect that the failure to pay the proper amount was an inadvertence or oversight, and not with the view of defrauding the State, and such application shall be signed and sworn to by the applicant, and the same shall be preserved by the tax collector.

Mr. Gardner offered the following amendment, which was adopted, viz.:

Amend by striking out the words "sixty days" where it occurs, and insert in lieu thereof "ninety days."

Mr. Bradley offered the following amendment, which was adopted, viz.:

Amend by striking out the words and figures subsequent to November 30, 1899, as amended, wherever same appears in said bill.

Mr. Falkner offered the following amendment, viz.:

Strike out "ninety days" wherever it occurs, and insert in lieu thereof the words "at any time after such failure."

Mr. Martin moved to table Mr. Falkner's amendment, which motion was lost.

Pending consideration of Mr. Falkner's amendment, on motion of Mr. Martin, the bill and amendments were recommitted to the Committee on Judiciary, with instructions to perfect the bill.

On motion of Mr. Adams the following resolution was adopted, viz.:

Resolved, That the Chair appoint a Sergeant-at-Arms *pro tem.* for the purpose of serving process of the joint committee to investigate the penitentiary, and to permit him to appoint such assistants as may be needed, their per diem and expenses to be paid out of the Senate contingent fund.

Thereupon the Chair announced the appointment of Mr. Frank Chiles as such Sergeant-at-Arms *pro tem.*

Mr. Crawford called up S. C. Res. No. 10, a concurrent resolution to amend Section 183 of the Constitution of the State of Mississippi, so that counties, circuit court districts of counties, cities or towns, may elect to take stock in or vote aid to railroads, cotton or woolen factories, which, on motion, was made the special order for 10 o'clock to-morrow.

Thereupon, at 6 o'clock P. M., on motion of Mr. Hinton, the Senate adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary.*

THIRTEENTH DAY.

FRIDAY, January 24, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, Gardner, Heard, Hicks, Hinton, Hughes, Jones, Key, Lee, Looney Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 40.

Absent—Messrs. Cooper, Dulaney, George, Kiger and Moore—Total 5.

On motion of Mr. Dunn the reading of the journal of yesterday was dispensed with, and the same stood approved.

The courtesies of the Senate were extended to Chancellor Fulton of the State University, Honorables Orr of Lowndes County, J. I. Ballinger of Harrison County, S. W. Burney of Chickasaw County, and G. W. Ellis of Perry County.

On motion Mr. Kiger was granted leave of absence from day to day.

On motion of Mr. Dunn the motion heretofore entered to reconsider the vote whereby S. B. No. 27, An Act to repeal Section 1575 of the Annotated Code of 1892, relating to granting of license to retail vinous, malt, alcoholic, intoxicating or spirituous liquors by Boards of Supervisors, and to amend Section 1576, Code of 1892, relating to granting of licenses to retail liquors by Boards of Mayor and Aldermen of cities, towns or villages, was passed at a former day, was called up and tabled.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being S. C. R. No. 10, a concurrent resolution to amend Section 183 of the Constitution of the State of Mississippi, so that counties, circuit court districts of counties, cities or towns may elect to take stock in or vote aid to railroads, cotton or woolen factories.

On motion of Mr. Crawford all the provisions of said amendment relating to voting aid or taking stock in cotton or woolen factories was stricken out.

Whereupon, on motion of Mr. Crawford, the resolution as amended, was read in full and passed its first day and reading by the following vote, viz.:

Yeas—Messrs. Bailey, Campbell, Clinton, Crawford, Dent of Fourth District, Evans, Falkner, Farley, Hinton, Jones, Key, Martin, McGehee, Noel, Rowan, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wilson, Yarbrough, Young—Total 23.

Nays — Messrs. Dent of Sixteenth District, Dunn, Hicks, Hughes, Looney—Total 5.

Absent and those not voting—Messrs. Abbay, Adams, Bradley, Broyles, Cayce, Chrisman, Cooper, Dulaney, Gardner, George, Heard, Kiger, Lee, Moore, Sanders, Seawright and Wharton—Total 17.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

S. B. No. 35, An Act making an appropriation for the support, repairs and improvements of the Mississippi Agricultural and Mechanical College.

Title sufficient; that bill do pass.

BRADLEY, *Chairman.*

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bill referred to

them, and have instructed me to report it back with the following recommendation :

S. B. No. 36, entitled An Act to amend Chapter 215 of the Acts of 1896, authorizing the Mobile, Jackson & Kansas City Railroad Co. to locate its railroad within the State of Mississippi, and your committee report the title sufficient and recommend that the bill do pass, for in the opinion of your committee the relief sought can not be given by proceedings through the court or advantageously given by general laws.

VENTRESS, *Chairman*.

On motion of Mr. Sheppard the rules were suspended for the consideration out of order of the bill just reported by the Committee on Local and Private Legislation, to-wit: S. B. No. 36, An Act to amend Chapter 215 of the Acts of 1896, authorizing the Mobile Jackson & Kansas City Railroad Co. to locate its railroad in the State of Mississippi.

The rules being suspended the bill was considered engrossed, read a third time, and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, Heard, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sheppard, Taylor, Ventress—Total 32.

Absent and those not voting—Messrs. Adams, Broyles, Cayce, Cooper, Dulaney, Gardner, George, Kiger, Lee, Moore, Sharborough, Shelton and Wharton—Total 13.

Title standing as stated.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 43, To be entitled An Act to further carry into effect the contract made under Chapter 385, Acts of 1888, being an Act to better secure the safety and health in the State institutions, etc., approved March 10, 1888, and to defray the expenses thereof.

H. B. No. 51, To be entitled an Act to make an appropriation for fuel, lights, telephone and janitor of the Governor's mansion for the years 1902 and 1903.

H. B. No. 64, To be entitled an Act making an appropriation to carry out the provisions of Chapter 76, of the Laws of the State of Mississippi of 1900, being an act entitled An Act to enable the Auditor of Public Accounts and Land Commissioner of the State of Mississippi to properly conduct their respective offices, and to correct mistakes in land descriptions and land sales and provide relief in repayment of money erroneously paid in privilege and State taxes and land purchase, and to save the State cost

in passing bills for relief by local and private legislation in certain cases.

L. PINK SMITH, *Clerk*.

HOUSE BILLS ON THE CALENDAR.

H. B. No. 43, An Act to further carry into effect the contract made under Chapter 385, Acts of 1888, being an Act to better secure safety and health in the State institutions, etc., approved March 10, 1888, and to defray the expenses thereof.

To Finance.

H. B. No. 51, An Act to make an appropriation for fuel, lights, telephone and janitor for the Governor's mansion for the years 1902 and 1903.

To Finance.

H. B. No. 64, An Act making an appropriation to carry out the provisions of Chapter 76 of the Laws of 1900, being an Act entitled An Act to enable the Auditor of Public Accounts and Land Commissioner of the State of Mississippi to properly conduct their respective offices, and to correct mistakes in land descriptions and land sales, and provide relief in payment of moneys erroneously paid in privileges and State taxes and land purchases, and to save the State cost in passing bills for relief by local and private legislation in certain cases.

To Finance.

On motion of Mr. Bradley the Senate, at 11 o'clock A. M., adjourned until 3 o'clock P. M., Monday next.

JOHN Y. MURRY, JR., *Secretary*.

FOURTEENTH DAY.

MONDAY, January 27, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Heard, Hicks, Hinton, Hughes, Key, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—
Total 37.

Absent — Messrs. Clinton, Cooper, Evans, Gardner, Jones, Kiger, Sharborough, and Shelton—Total 8.

On motion of Mr. Lee the reading of the journal was dispensed with, and the same stood approved.

SPECIAL ORDER.

Mr. George called up the special order for this hour, being S. B. No. 13, An Act to provide a home to be supported by the State for indigent and dependent soldiers and sailors of the Confederacy.

On motion of Mr. Hinton the following committee amendment was adopted, viz.:

Amend by inserting at the end of Section 2 the following, viz.:

“That the Commission herein created are authorized to accept land, money or building materials to assist in the establishment or construction of said home when in their judgment they may deem it to the best interest of the Home.”

Mr. Cayce in the chair.

To the bill as amended the following amendment, proposed by Mr. Yarbrough, was adopted, viz.:

Amend by inserting in Section 3, after the word “sailors,” in the second line, the words “and the wives, widows and mothers of all.”

To the bill as amended the following amendment, proposed by Mr. Moore, was adopted, viz.:

Amend by adding to Section 1 the following, viz.: “If a vacancy shall occur upon said Commission by reason of the death or resignation of any Commissioner elected by either the Senate or House of Representatives, the unexpired term so created shall be filled by appointment by the Governor.

Pending further consideration of the bill as amended, on motion of Mr. Adams, the Senate postponed further consideration of the same until to-morrow morning.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 11, To be entitled An Act to create the Exposition Bureau, to provide for an exhibit at the Louisiana Purchase Exposition, and to make an appropriation therefor.

H. B. No. 45, To be entitled An Act to amend Section 1991 of the Code of 1892, so as to graduate the salaries of Clerks of the Chancery Courts for *ex officio* services rendered.

H. B. No. 49, To be entitled An Act for the support and maintenance of the State Normal School at Holly Springs.

L. PINK SMITH, *Clerk.*

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., January 24, 1902.

To the Legislature of the State of Mississippi:

GENTLEMEN: By a joint resolution of the two houses of the Legislature, passed at the session thereof in 1900, a committee was appointed consisting of five from each house, to investigate the management and control of the State penitentiary and farms worked by the State; the books, contracts and accounts of the Board of Control for the past four years, *i. e.*, for the years 1896, 1897, 1898 and 1899. Said resolution required said committee at as early date as possible to report the result of their investigation to the governor and make report also to this session of the Legislature. On the 7th day of January, 1902, at the opening of this session of the Legislature, I was furnished with a copy of said report. I have the honor to state also that though the said resolution limited said committee in its investigation to the four years preceding the induction into office of the present Board of Control, I made personal request of said committee, through its chairman, to extend its investigation through the period from 1900 to the present, which it accordingly did, offering to said committee all the co-operation and assistance in my power toward the full, free and fair accomplishment of its work.

It will be seen from said report that the committee's investigation extended not only to the four years named in the resolution aforesaid, but covered a period including the years 1895, 1900 and 1901, or the entire management of the Board of Control under the administration of Gov. A. J. McLaurin, and a portion of the administration of Gov. John M. Stone, and the present one. The report contains certain charges and criticisms in the management of the affairs of the prison and farm operations.

In view of the fact that the investigation, as appears from the report, extended into three administrations, it is to me a matter of regret that the committee saw proper to employ in its said charges and criticisms the general terms of "Board of Control" and "Warden" without differentiation or specification, though the transactions of three Boards and four Wardens were investigated. Under said charges the public, as well as the said officials are left to conjecture as to whom the charges apply.

I desire to add that I concur most heartily in your purpose to continue the investigations through your joint committee. The people of Mississippi and all concerned have the right to the ascertainment of the truth, the whole truth and nothing but the truth, and not half thereof, which is often more damaging than a lie. Let the investigation be full and the reports specific, shielding no one who is guilty nor implicating any one who is innocent, without concealment of substantial facts or giving undue magnitude to trivial things, in order that the blame, if any exists, may be put where it properly belongs.

Business methods, strict and stringent, should be applied to the management of the State's business, and if this has not been done in the management of the penitentiary affairs the evil can not be too soon corrected. I desire, therefore, to call your attention to the recommendations made by your committee touching the future interest of the State in the premises, and looking to the better safeguard of the affairs of the penitentiary and its prisoners. I submit said recommendations for such enactments thereon as your wisdom may devise, admonishing you, however, to look carefully into the present system and management of the said affairs before passing any new or radical measures to interfere with this enormous and very difficult business enterprise of the State.

Respectfully,

A. H. LONGINO, *Governor*.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., January 27, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following subjects, to-wit:

An Act to be entitled An Act to authorize the Board of Mayor and Aldermen of the city of Natchez to issue bonds for the purpose of purchasing the waterworks and sewerage system owned and operated in said city by the Natchez Water Supply and Sewerage Company.

An Act to authorize the city of West Point to issue bonds to erect sewerage system.

An Act to authorize the town of Rosedale to issue bonds to erect waterworks and sewerage system.

Respectfully,

A. H. LONGINO, *Governor*.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., January 27, 1902.

TO THE SENATE—GENTLEMEN: Acting upon the resolutions passed by the citizens of Tallahatchie County in mass meeting assembled at the court house in the town of Charleston, requesting the Governor to submit at the present session of the Legislature a bill authorizing the division of said county into two districts, a copy of which is herewith transmitted, I have the honor to submit for your consideration and such action as you may deem proper the following subject, to-wit:

An Act to divide the County of Tallahatchie into two Circuit and Chancery Court Districts, and to fix the jurisdiction of the courts, and to provide for holding same in each district, and to provide for the location of a county site in the Second District thereof, and to provide for the building of a court house and jail therein, and for transcribing of all muniments of title to lands

lying within the Second District of said county, and to provide for the payment of all expenses incurred in carrying out the provisions of this act.

Respectfully,
A. H. LONGINO, *Governor*.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., January 27, 1902.

TO THE SENATE—GENTLEMEN: At a representative meeting of the members of the Boards of Supervisors of the several counties of the State held in the city of Jackson, resolutions were passed requesting the Governor to submit for the consideration of the Legislature at this special session the following subjects looking to the passage of general laws thereon, to-wit:

"1st. Change the present system of drawing the grand juries and have supervisors to select same according to the Code of 1871, Chapter 8, Article IX, Sections 725, 726 and 727.

"2d. To require male inhabitants between the ages of 18 and 55 years to work on public roads.

"3d. Change the law in Acts of 1900, Chapter 120, Section 4, allowing supervisors in counties of 15,000 inhabitants eight days, 20,000 to 25,000 inhabitants twelve days, when sitting for the correction and equalization of assessments.

"4th. Define some punishment for unruly State and county convicts.

"5th. An Act to secure within the State the proper listing and assessment of solvent credits, money on hand, on deposit, or due the party assessed."

In response to the said request of supervisors I have the honor to submit the above subjects to you for such action as your wisdom may approve.

Respectfully,
A. H. LONGINO, *Governor*.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., January 27, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following subject, to-wit:

An Act to cure technical defects in the issuance of certain town bonds, as per bill herewith transmitted.

Respectfully,
A. H. LONGINO, *Governor*.

HOUSE BILLS ON THE CALENDAR.

H. B. No. 11, An Act to create the Exposition Bureau, to provide for an exhibit at the Louisiana Purchase Exposition and to make an appropriation therefor.

To Finance.

H. B. No. 45, An Act to amend Section 1991 of the Code of 1892, so as to graduate the salaries of Clerks of the Chancery Courts for *ex officio* services rendered.

To Finance.

H. B. No. 49, An Act for the support and maintenance of the State Normal School at Holly Springs.

To Finance.

At 5.30 P. M., on motion of Mr. Adams, the Senate adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

FIFTEENTH DAY.

TUESDAY, January 28, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 39.

Absent—Messrs. Cooper, Evans, Jones, Key, Kiger and Shelton—Total 6.

On motion of Mr. Hinton the reading of yesterday's journal was dispensed with, and the same stood approved.

The courtesies of the Senate were extended to Messrs. F. A. Montgomery, Jr., and J. Savage of Tunica County, Honorables Jeff Truly of Jefferson County and W. S. Hill of Montgomery County and Hon. J. L. Gillespie of Leflore County.

Leave of absence from day to day was granted Mr. Jones.

INTRODUCTION OF BILLS.

By Mr. Dent of Sixteenth District, by request—

S. B. No. 50, An Act to cure technical defects in the issuance of certain town bonds.

Under a suspension of the rules the bill was read twice and referred to the Committee on Local and Private Legislation.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 73, To be entitled An Act authorizing the Board of Supervisors of any county in the State to order an extra assessment of the lands therein.:

H. B. No. 84, To be entitled An Act to authorize the city of Columbus to issue certain bonds to refund and pay off outstanding bonds heretofore issued to the Columbus, Fayette & Decatur Railroad, or bearer.

H. B. No. 85, To be entitled An Act to authorize the city of Columbus to issue and sell bonds to build a new city hall, complete sewerage plant and erect a new school building.

H. B. No. 89, To be entitled An Act to require the members of the Board of Control and the Warden of the State penitentiary to pay into the general fund of the State treasury immediately upon the receipt thereof any money received from the labor of convicts or from the sale of agricultural products produced on farms worked by the State, or from the sale of any penitentiary property; and to provide for disbursements for penitentiary purposes from the State treasury on the Auditor's warrant, and to provide for the making of an appropriation to meet such disbursements.

L. PINK SMITH, *Clerk.*

REPORT OF STANDING COMMITTEE.

Report of Committee on Temperance:

MR. PRESIDENT: The Committee on Temperance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

S. B. No. 34, An Act to amend Section 1574, Code of 1892, and to repeal Sections 1575 and 1576 and 1610 to 1620 inclusive of said Code, thereby prohibiting the sale or giving away to induce trade, of intoxicants.

Title sufficient; do pass as amended.

GEORGE, *Chairman.*

HOUSE BILLS ON THE CALENDAR.

H. B. No. 73, An Act authorizing the Board of Supervisors of any county in this State to order an extra assessment of the land therein.

To Agriculture, Commerce and Manufacture.

H. B. No. 84, An Act to authorize the city of Columbus to issue certain bonds to refund and pay off outstanding bonds heretofore issued to the Columbus, Fayette & Decatur Railroad, or bearer.

Local and Private Legislation.

H. B. No. 85, An Act to authorize the city of Columbus to issue and sell bonds to build a new city hall, complete sewerage plant and erect a new school building.

To Local and Private Legislation.

H. B. No. 89, An Act to require the members of the Board of Control and the Warden of the penitentiary to pay into the State treasury immediately upon the receipt thereof any money they receive from the labor of convicts, or from the sale of agricultural products produced on farms worked by the State, or from the sale of any penitentiary property, and to provide for disbursements for penitentiary purposes from the State treasury on the Auditor's warrant; and to provide for the making of an appropriation to meet such disbursements.

To Penitentiary and Prisons.

CONCURRENT RESOLUTION.

The following resolution, introduced by Mr. Adams, was adopted, viz.:

WHEREAS, It is the desire not only of the Legislature but all parties concerned, that there shall be a full and thorough investigation into the affairs of the penitentiary and Board of Control; and,

WHEREAS, There is much labor connected therewith, and much time will necessarily be consumed, greatly to the detriment of other public business unless a change be brought about; therefore, be it

Resolved by the Senate, the House concurring, That the afternoon sessions of the Legislature, both Senate and House, be dispensed with until such time as the committee shall finish taking the additional testimony heretofore ordered, and that said committee be, and is hereby requested to hold their meetings in the afternoon of each Legislative day, to the end of economizing and saving time.

The following resolution, introduced by Mr. Hinton, was on motion adopted, viz.:

Resolved, That the thanks of the Senate of the State of Mississippi are due and are hereby tendered the good people of the cities of Gulfport and Biloxi for the hospitable entertainment received by its members on their recent visit to these fair cities.

That the visitors are under special obligations to Capt. J. T. Jones for the kind interest he manifested in the welfare of his guests and for his untiring efforts to render their visit both pleasant and profitable.

That we recognize in Captain Jones one of Mississippi's most energetic and progressive citizens; that after carefully viewing his works at Gulfport we feel that the success of his enterprise is assured, and believe that it is the duty of the National Government to make a sufficient appropriation to complete this work, and make of it one of the best ports on the Gulf.

On motion of Mr. Bradley, S. B. No. 44, An Act to regulate the fishing and canning of oysters in the State of Mississippi and

improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the laws of 1896, and Chapter 90 of the laws of 1898, being the special order for this afternoon, together with sundry resolutions adopted by the Biloxi Commercial Club, recommending its passage and endorsing Senator Evans and Representatives Bowers, Hewes and Elmer, was recommitted to Finance Committee.

Mr. Moore in the chair.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of S. B. No. 13, An Act to provide a home to be supported by the State for indigent and dependent soldiers and sailors of the Confederacy, as amended, the same being the matter pending at the hour of adjournment on yesterday.

The following amendment to the bill as amended, offered by Mr. Dulaney, was lost, viz.:

Insert at the end of Section 1, "That each Commissioner elected by the Senate and by the House shall receive the sum of three hundred dollars per annum and actual mileage paid while in discharge of the duties for which they are elected; the Commissioners to be elected by the House and Senate to be Confederate soldiers."

The following amendment, offered by Mr. Bradley, was on motion adopted, viz.:

Amend by striking out "eighty acres" and inserting (100) "one hundred acres."

Mr. Dulaney offered the following amendment to the bill as amended, viz.:

Amend by inserting after first section "that each Commissioner elected by the House and Senate receive the sum of five dollars per day and their transportation and hotel expenses while engaged in the duties for which they are elected, provided that the amount of five hundred dollars per annum for each Commissioner exclusive of transportation and hotel expenses, shall not be exceeded, and that each Commissioner elected by the House and Senate shall be a Confederate soldier."

Mr. Looney offered as a substitute for Mr. Dulaney's amendment the following:

Amend Section 1 by inserting in the seventh line thereof, between the words "Senate" and "all" the following words and figures, to-wit: "The Commissioners so elected by the House and Senate shall be ex-Confederate soldiers, and shall be paid a per diem of \$5 and actual expenses and mileage, not exceeding in any one year the sum of \$150 each, the same to be paid out of the amount appropriated for the running expenses of the Soldiers' Home."

On motion of Mr. Looney the substitute was adopted by the following vote, viz.:

5-AY.

Yeas — Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Clinton, Dent of Fourth District, Dunn, Falkner, George, Heard, Hicks, Hinton, Hughes, Looney, Martin, McGee, Noel, Sanders, Seawright, Sheppard, Taylor, Wharton, Wilson, Yarbrough—Total 26.

Nays — Messrs. Adams, Crawford, Dulaney, Farley, Moore, Sharborough, Ventress, Young—Total 8.

Absent and those not voting—Messrs. Chrisman, Cooper, Dent of the Sixteenth District, Evans, Gardner, Jones, Key, Kiger, Lee, Rowan, and Shelton—Total 11.

Pending further consideration of the bill as amended the Senate, at 1 o'clock P. M., on motion of Mr. Adams, took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 P. M. by President Harrison, a quorum being present.

INTRODUCTION OF BILLS OUT OF ORDER.

The following bills were introduced, and under a suspension of the rules read twice and referred to committees as follows, to-wit :

By Mr. Clinton—

S. B. No. 51, An Act to authorize the Board of Mayor and Aldermen of the city of Natchez to issue bonds for the purpose of purchasing the waterworks and sewerage system owned and operated in said city by the Natchez Water Supply and Sewer Co.

To Local and Private Legislation.

By Mr. George—

S. B. No. 52, An Act to appropriate money to defray the expenses incident to penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee, and of Sergeant-at-Arms for service of process issued by said committee, and compensation of stenographer employed by said committee.

To Finance.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT.

JACKSON, MISS., January 28, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as your wisdom may deem proper the following subject, to-wit:

An Act to transfer from the Auditor's office and Land Commissioner's office to the offices of the Clerks of the Chancery Court

of the proper counties all deeds made by the tax collectors to the Board of Commissioners to liquidate outstanding liabilities incurred for levee purposes prior to first day of January, 1862 and its successors.

Respectfully,
A. H. LONGINO, *Governor*.

EXECUTIVE DEPARTMENT.

JACKSON, MISS., January 28, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following subjects, to-wit:

An Act to repeal Chapter 39 of the Acts of 1898, and Chapter 121 of the Acts of 1900, and to authorize the Board of Supervisors to provide for the channeling of streams and the reclamation of overflowed lands, and to provide for the issuance and sale of interest-bearing bonds to raise funds with which to reclaim such lands.

An Act to amend the charter of the town of Rosedale, in the County of Bolivar, so as to authorize the Board of Mayor and Council to issue bonds not to exceed in amount, including all outstanding bonds, seven per centum of the assessed value of the taxable property of said town as shown by the assessment thereof, for the purpose of raising money for the erection of school buildings and the purchase of lands therefor; for the erection or purchase of waterworks, the sinking of artesian wells, the establishment of a sewerage system, protection from fires, improving streets and sidewalks, and for the liquidation of existing debts of said town.

Respectfully,
A. H. LONGINO, *Governor*.

Mr. Abbay in the chair.

The Senate proceeded to the consideration of the matter pending at the hour of adjournment this forenoon, being S. B. No. 13. An Act to provide a home to be supported by the State for indigent and dependent soldiers and sailors of the Confederacy.

Mr. Adams moved that the bill as amended be recommitted.

Mr. Crawford called the previous question on the motion to recommit and the passage of the bill as amended.

The call was sustained, whereupon the motion to recommit was lost.

Thereupon the bill as amended was considered engrossed, read a third time, and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Dent of Fourth District, Dulaney, Dunn, Evans, Gardner, George, Heard, Hicks, Hughes, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Shelton, Sheppard, Ventress, Wharton, Wilson, Yarbrough—Total 31.

Nays—Messrs. Crawford, Dent of Sixteenth District, Falkner, Farley, Key, Sharborough, Taylor, Young—Total 8.

Absent and those not voting — Messrs. Chrisman, Clinton, Cooper, Hinton, Jones and Kiger—Total 6.

Title standing as stated.

Mr. Adams obtained consent to spread upon the journal an explanation of his vote on the bill as follows:

Mr. President and Gentlemen of the Senate:

I vote yea on this bill, and I desire to explain my vote. I love and venerate the Confederate soldier; I have shared his dangers and hardships, and the finest feelings of my heart go out in tender sympathy for his every want. My purpose has been to help him and to better his condition. In my efforts to defeat this measure I believed I was right, and I hoped to get an appropriation for the indigent soldier and his widow and mother. But as I have been defeated in that object, and as I want to help him, and as this bill offers the best thing I can get, I vote for it, not being able to find it in my heart to vote against any measure calculated to benefit and help him.

REPORT OF STANDING COMMITTEES OUT OF ORDER.

Report of Committee on Constitution:

MR. PRESIDENT: The Committee on Constitution has had under consideration the following resolutions referred to it, and has instructed me to report them back with the following recommendations:

S. C. Res. No. 5, a concurrent resolution submitting to the qualified electors of the State for ratification or rejection an amendment to the Constitution increasing the number of Supreme Court Judges.

Do not pass, but that substitute do pass.

S. C. Res. No. 11, a concurrent resolution to submit to the qualified electors of the State a proposed amendment to the Constitution of 1890, providing for State prohibition.

Do not pass.

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 50, An Act to cure defects in the issuance of certain town bonds of Oxford.

And your committee report that its title is sufficient, and that the bill do pass, for in the opinion of your committee the relief sought can not be given by the courts, nor advantageously provided for by general laws.

VENTRESS, *Chairman.*

Mr. Yarbrough called from the table S. B. No. 18, An Act to make an appropriation for the payment of the amount of money

expended by the Trustees of the Agricultural and Mechanical College in excess of the appropriation made for the building and equipment of the Textile School at Starkville, Mississippi.

Mr. Adams moved the previous question upon the passage of the bill.

The call was sustained, whereupon the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Cayce, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Heard, Hicks, Hinton, Lee, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Shelton, Sheppard, Ventress, Wharton, Yarbrough, Young—Total 32.

Nays—Messrs. Campbell, Crawford, Farley, Hughes, Looney, Taylor—Total 6.

Absent and those not voting—Messrs. Chrisman, Cooper, Jones, Key, Kiger, Sharborough and Wilson—Total 7.

PAIRS.

Mr. Sharborough announced that he was paired with Mr. Wilson. Mr. Wilson would have voted "yea," and Mr. Sharborough "nay" on the bill.

Title standing as stated.

EXPLANATION OF SENATOR CAMPBELL FOR VOTING AGAINST SENATE BILL NO. 18.

The Chairman of the Committee on Finance, to which this bill was referred, having stated on the floor of the Senate that the Trustees of the A. and M. College did not have any authority, under the law, to contract the claim which the bill seeks to pay, and as the bill does not purport to make a *donation* or *gratuity*, as is authorized by Section 66 of the Constitution, but to make an *appropriation to pay a claim under a contract not authorized by law*, which is *prohibited* by Section 96 of the Constitution, I voted against the bill because I considered it under such circumstances as in violation of the Constitution.

On motion of Mr. Bradley the Senate, at 5.45 P. M., adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

SIXTEENTH DAY.

WEDNESDAY, January 29, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 43.

Absent—Messrs. Cooper and Jones—Total 2.

On motion of Mr. Farley the reading of the journal of yesterday was dispensed with, and the same stood approved.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has concurred in Senate Concurrent Resolution No. 12, to dispense with afternoon sessions of the two Houses pending taking testimony of penitentiary investigation.

L. PINK SMITH, *Clerk*.

SENATE BILLS ON THIRD READING.

Mr. Falkner called up S. B. No. 50, An Act to cure defects in the issuance of certain town bonds of Oxford.

On motion of Mr. Falkner the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Hicks, Hinton, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 40.

Absent and those not voting—Messrs. Cooper, Heard, Hughes, Jones and Sheppard—Total 5.

Title standing as stated.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has had under consideration the following bill referred to them, and have instructed me to report it back as correctly enrolled and now present same for your signature, viz.:

H. B. No. 29, An Act to provide for the payment of interest due the University of Mississippi on account of the 1894 land grant fund, for the period of March 10, 1900, to November 1, 1901.

Whereupon the President of the Senate suspended all business, had the bill read by the title and signed the same, calling attention of the Senate thereto.

B. W. SHARBOROUGH, *Chairman*.

Mr. George called up S. C. R. No. 11, a concurrent resolution to submit to the qualified electors of the State a proper amendment to the Constitution of 1890 providing for State prohibition, heretofore reported adversely by the Constitution Committee, and moved that it be recommitted to the Temperance Committee, which motion prevailed.

Mr. Campbell called up for consideration S. C. R. No. 1, a concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

On motion of Mr. Campbell the resolution was read in full and passed its third day and reading by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Campbell, Cayce, Chrisman, Clinton, Crawford, Dent of Fourth District, Falkner, Farley, Gardner, George, Hicks, Hinton, Key, Kiger, Looney, Martin, McGehee, Moore, Rowan, Sanders, Seawright, Shelton, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 30.

Nays—Messrs. Abbay, Broyles, Dent of Sixteenth District, Dulaney, Dunn, Hughes, Noel—Total 7.

Absent and those not voting—Messrs. Bradley, Cooper, Evans, Heard, Jones, Lee, Sharborough and Sheppard—Total 8.

Mr. Crawford called up for consideration S. C. R. No. 10, a concurrent resolution to amend Section 183 of the Constitution of the State of Mississippi so that counties, circuit court districts of counties, cities or towns may elect to take stock in or vote aid to railroads.

On motion of Mr. Crawford the resolution was read in full and passed its second day and reading by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Campbell, Chrisman, Clinton, Crawford, Dent of Fourth District, Dulaney, Evans, Falkner, Farley, Gardner, George, Hicks, Hinton, Key, Kiger, Lee, Martin, McGehee, Noel, Rowan, Seawright, Sharborough, Shelton, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 32.

Nays—Messrs. Bradley, Broyles, Cayce, Dent of Sixteenth District, Dunn, Hughes, Looney, Moore—Total 8.

Absent and those not voting—Messrs. Cooper, Heard, Jones, Sanders and Sheppard—Total 5.

Mr. Clinton called up his motion heretofore entered to reconsider the vote whereby S. B. No. 7, An Act to increase the salaries of officers of the State and other officers, failed to pass the Senate on a former day, and moved that the same be reconsidered, which motion prevailed. Whereupon, on motion of Mr. Clinton, the bill was recommitted to Finance Committee.

Mr. Broyles called up S. B. No. 34, An Act to amend Section 1574, Code of 1892, and to repeal Section 1575 and 1576, and 1610 to 1620, inclusive, of said Code, thereby prohibiting the sale or giving away to induce trade of intoxicants.

Mr. Broyles offered the following amendment to the bill, viz.: Amend by striking out "\$25" and inserting "\$50."

Mr. George moved to amend the amendment by striking out "\$50" and inserting "\$100," which amendment was accepted by Mr. Broyles.

Mr. Abbay moved to have the bill lie on the table pending the printing of five hundred copies of the bill.

Mr. Farley moved to table Mr. Abbay's motion, which motion was lost. Whereupon the said motion prevailed.

On motion of Mr. Clinton, the bill was made the special order for Wednesday morning, February 5th, at 10 o'clock.

Mr. Hughes called up for consideration S. B. No. 21, An Act to amend Section 3771 of the Annotated Code, providing for the assessment of lands every two years for the purpose of raising revenue.

Mr. Sharborough proposed to amend by striking out "two" and inserting "four," in the last line after the word "every" and before "years."

Pending consideration of the same, on motion of Mr. Campbell, the bill was ordered to lie on the table pending an investigation as to whether the subject-matter had been called by the Governor to the attention of the Senate.

Mr. Kiger called up S. B. No. 10, An Act to provide for the establishment of a permanent branch Agricultural Experiment Station in the Yazoo-Mississippi Delta.

On motion of Mr. Kiger the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Hicks, Hinton, Key, Kiger, Lee, Looney, Martin, McGhee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Shepard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 38.

Absent and those not voting — Messrs. Chrisman, Clinton, Cooper, Heard, Hughes, Jones and Seawright—Total 7.

Title standing as stated.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 44, An Act to regulate the fishing and canning of oysters in the State of Mississippi, and improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90 of the Laws of 1898.

Title sufficient; that bill do pass as amended.

S. B. No. 45, An Act to amend Section 3952 of the Annotated Code of Mississippi, 1892, so as to fix the salary of the Secretary of the Railroad Commission at the sum of fifteen hundred dollars.

Title sufficient; that bill do pass.

S. B. No. 48, An Act to amend Section 3952 of the Code of 1892, to increase the salary of the State Librarian to \$2,000.

Title sufficient; that bill do pass.

S. B. No. 52, An Act to appropriate money to defray the expenses incident to penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee and of Sergeant-at-Arms for service of process issued by said committee, and compensation of stenographer employed by said committee.

Title sufficient; that bill do pass.

BRADLEY, *Chairman*.

Mr. Evans obtained consent to a suspension of the rules for consideration out of order of S. B. No. 44, An Act to regulate fishing and canning of oysters in the State of Mississippi and the improving and enlarging of oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90 of the Laws of 1898.

On motion of Mr. Bradley the following committee amendments to the bill was adopted, viz.:

Strike out Section 32 as it appears, being the enforcing clause, and insert the following as Section 32, viz.:

"Nothing herein contained shall affect or abate any prosecutions already commenced for any violations of any law hereby repealed, nor shall this bill operate to release any person for any violation of any such law, but all such violations whether prosecutions have or have not been heretofore begun shall be prosecuted and punished as if such laws were still in force."

And insert as Section 33 the following:

"SEC. 33. This Act shall take effect and be in force from and after the 1st day of June, A. D. 1902.

Mr. Bradley called the previous question upon the passage of the bill as amended. The call was sustained.

Whereupon, on motion of Mr. Bradley, the bill as amended was considered engrossed, read a third time, and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Chrisman, Cayce, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Key, Kiger, Lee, Looney, Martin, McGehee, Moore, Rowan, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 38.

Nays—Messrs. Crawford, Noel, Sanders, Young—Total 4.

Absent and those not voting—Messrs. Broyles, Cooper and Jones—Total 3.

Title standing as stated.

Mr. Noel obtained consent to have the following explanation of his vote on this bill spread on the journal:

“In explanation of my vote on S. B. No. 44, I have only to say that the bill was reported this morning, a few hours ago, and was put to a vote under the previous question, without opportunity for amendment or discussion, and with no report, verbal or otherwise, of the evidence heard by the committee, and with no explanation of the purport or effect of the bill.”

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., January 29, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following subjects, to-wit:

An Act to empower the Board of Supervisors of Perry County to order an election for the purpose of submitting to the qualified electors of said county the question of removal of the county site of the First District of said county.

An Act to empower the Board of Supervisors of Harrison County to order an election for the purpose of submitting to the qualified electors of said county the removal of the county site of said county from Mississippi City to Gulfport.

Respectfully,

A. H. LONGINO, *Governor*.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., January 29, 1902.

To the Senate and House of Representatives.

GENTLEMEN: I have the honor to submit for your consideration and for such action as you may deem proper the following matter, to-wit:

A bill to amend Section 2348 of the Code of 1892, so as to make the contract rate of interest eight per cent instead of ten.

Respectfully,

A. H. LONGINO, *Governor*.

Mr. Bradley obtained consent to a suspension of the rules for consideration out of order of S. B. No. 52, An Act to appropriate money to defray the expenses incident to penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee, and of Sergeant-at-Arms for service of process issued by said committee, and compensation of stenographer employed by said committee.

Mr. Dunn proposed the following amendment to the bill, viz.:

Amend Section 3 by striking out the words "fifteen dollars" in line 3, between the words "exceeding" and "per," and insert in lieu thereof the words "ten dollars."

Mr. George moved to table Mr. Dunn's amendment, which motion prevailed.

Whereupon the bill was considered engrossed, read a third time, and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Shelton, Ventress, Wharton, Yarbrough, Young—Total 32.

Nays—Mr. Hughes—Total 1.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Jones, Key, Lee, Martin, Seawright, Sharborough, Sheppard, Taylor and Wilson—Total 12.

Title standing as stated.

INTRODUCTION OF BILLS OUT OF ORDER.

The following bills were introduced and under a suspension of the rules were read twice and referred to the following committees, viz.:

By Mr. George—

S. B. No. 53, An Act to amend Section 2348 of the Code of 1892, fixing the legal contract rate of interest at eight per centum per annum.

To Finance.

By Mr. Moore—

S. B. No. 54, An Act to amend the charter of the town of Rosedale so as to authorize the Mayor and Town Council of said town to issue upon certain conditions the bonds or other obligations of said town, not to exceed in amount, including all outstanding bonds, seven per centum of the assessed value of the taxable property of said town, as shown by the assessment rolls thereof, for the purpose of raising money for the purchase of land and erection of school buildings thereon; for the erection, providing for the purchase of waterworks, sinking of artesian wells, the establishment of a sewerage system, securing protection from fires, improving the streets and sidewalks, or for the liquidation of outstanding debts of said town.

To Local and Private Legislation.

By Mr. Moore—

S. B. No. 55, An Act to make an appropriation for payment of salaries of special Judges, Chancellors and District Attorneys.

To Judiciary.

The courtesies of the Senate were extended to Hon. W. C. George, of Leflore County.

On motion of Mr. Farley the Senate, at 1.45 P. M., adjourned to meet again at 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

SEVENTEENTH DAY.

THURSDAY, January 30, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Dr. McLaurin.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wilson, Yarbrough, Young—Total 40.

Absent—Messrs. Clinton, Cooper, Key, Kiger and Wharton—Total 5.

On motion of Mr. Hughes the reading of the journal of yesterday was dispensed with, and the same stood approved.

Leave of absence from day to day was granted Mr. Key.

Mr. Falkner obtained consent to a suspension of the rules in order to have S. B. No. 50, An Act to cure defects in certain bonds of the town of Oxford transmitted to the House without delay.

Touching the matter of construction of the rule providing for reconsideration of measures passed by the Legislature, with special reference as to when measures passed by the Senate can be, under the rules, transmitted to the House, the Chair, after inviting discussion of the same by the Senate, ruled that such measures were eligible to transmission on the legislative day succeeding that on which the said measure passed the Senate.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

H. B. No. 62, To be entitled an Act making appropriation for the maintenance and support of the Alcorn Agricultural and Mechanical College, and for the erection of additional buildings for the use of the students of said college.

L. PINK SMITH, *Clerk*.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossed Bills:

MR. PRESIDENT: The Committee on Engrossed Bills has had under consideration the following bills referred to them, and have found the same correctly engrossed, to-wit:

S. B. No. 13, An Act to provide a Home to be supported by the State for indigent and dependent soldiers and sailors of the Confederacy.

Also S. B. No. 44, An Act to regulate the fishing and canning of oysters in the State of Mississippi, and improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90 of the Laws of 1898.

J. H. McGEHEE, *Chairman*.

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

H. B. No. 84, An Act to authorize the city of Columbus to issue certain bonds to refund and pay off outstanding bonds heretofore issued to the Columbus, Fayette & Decatur Railroad, or bearer.

H. B. No. 85, An Act to authorize the city of Columbus to issue and sell bonds to build a new City Hall, complete sewerage plant and erect a new school building.

And your committee recommend that their titles are sufficient and that the bills do pass, for in the opinion of your committee the relief sought can not be given by the courts, nor advantageously provided for by general laws.

VENTRESS, *Chairman*.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., January 30, 1902.

TO THE SENATE—GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following subjects, to-wit:

An Act to authorize the assessment of lands within the State during the year 1902, and at such other time thereafter as the Legislature may fix.

An Act to provide an assistant for the Attorney General, and to fix salary therefor.

Respectfully,
A. H. LONGINO, *Governor*.

The following resolution, offered by Mr. Cayce, was on motion adopted, viz.:

Resolved, That the Secretary of the Senate be directed to compile the message of the Governor submitting matters for consideration at this session, to this date, and have one hundred copies printed for the use of the Senate.

MEMORIAL.

Mr. Campbell obtained permission to submit to the Legislature by request a memorial from Fred Bell, ex-convict, memorializing the Mississippi Legislature for compensation for having worked thirteen years after serving his term of sentence under the law.

On motion of Mr. Campbell the same was referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Mr. Evans introduced S. B. No. 56, An Act to empower the Board of Supervisors of Harrison County to order an election for the purpose of submitting to the qualified electors of said county the removal of the county seat of said county from Mississippi City to Gulfport, which, under a suspension of the rules, was read twice and referred to Committee on Local and Private Legislation.

HOUSE BILLS ON THE CALENDAR.

H. B. No. 62, An Act making appropriation for the maintenance and support of the Alcorn Agricultural and Mechanical College, and for the erection of additional buildings for the use of the students of said college, was read twice, under a suspension of the rules, and referred to Committee on Finance.

Mr. Moore in the chair.

SENATE BILLS ON THIRD READING.

Mr. Bradley called up S. B. No. 15, An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903, for buildings and equipments needed.

The following amendment was proposed by the committee, viz.:

Strike out in twentieth line the words "for medical department building and equipment, \$60,000."

Mr. Bradley moved the adoption of the committee amendment.

Mr. Looney in the chair.

Mr. Farley moved that the bill and amendment lie on the table subject to call. Which motion was lost.

Mr. Yarbrough in the chair.

Mr. George called the previous question on the adoption of the amendment proposed by the committee. The call was sustained, whereupon the amendment was adopted.

Mr. Abbay offered the following amendment, which was adopted, viz.:

"For the support during the years 1902 and 1903 of the School of Geology, Mines and Mining, and to aid in investigating the underground resources of the State, and for a geological survey and map of the State, the sum of \$10,000."

On motion of Mr. Bradley the bill was taken up item by item. The following items, on motion of Mr. Bradley, were severally adopted, viz.:

Items 1, 2, 3 and 4.

On motion of Mr. Campbell the following amendment was adopted, viz.:

Amend by striking out item 5, viz.: "Excess of cost of steam and electric plant over appropriation, \$1,800."

Thereupon, on motion of Mr. Bradley, the further consideration of the bill was postponed until to-morrow morning.

Mr. Cayce obtained unanimous consent to call up for consideration out of order H. B. No. 84, An Act to authorize the city of Columbus to issue certain bonds to refund and pay off outstanding bonds heretofore issued to the Columbus, Fayette & Decatur Railroad, or bearer.

On motion of Mr. Cayce the rules were suspended and the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dulaney, Evans, Falkner, Farley, Gardner, Heard, Hicks, Hinton, Hughes, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Taylor, Ventress, Yarbrough—Total 28.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Crawford, Dent of the Sixteenth District, Dunn, George, Jones, Key, Kiger, Lee, Seawright, Shelton, Sheppard, Wharton, Wilson and Young—Total 17.

Title standing as stated.

INTRODUCTION OF BILLS OUT OF ORDER.

The following bill was introduced and, under suspension of the rules, read twice and referred to committee as follows, viz.:

By Mr. Bradley—

S. B. No. 57, An Act to amend Section 1, Chapter 54, Acts of 1900, in relation to issuance of State bonds for the purpose of erecting a new State house.

To Judiciary.

At 1.30 P. M., on motion of Mr. Bradley, the Senate adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

EIGHTEENTH DAY.

FRIDAY, January 31, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Dr. Leggett.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, Heard, Hicks, Hinton, Hughes, Key, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Yarbrough, Young—Total 33.

Absent—Messrs. Chrisman, Clinton, Cooper, Crawford, Dent of the Sixteenth District, George, Jones, Kiger, Lee, McGehee, Wharton and Wilson—Total 12.

On motion of Mr. Cayce the reading of yesterday's journal was dispensed with, and same stood approved.

Leave of absence from day to day was granted Messrs. Kiger, George, and Wilson.

Mr. Moore announced to the Senate that Mrs. M. C. Kimbrough, of Greenwood, Miss., desired to appear before the Senate during the day, and in behalf of Mrs. Jefferson Davis submit an offer of sale of Beauvoir to the State.

On motion the Senate agreed to extend an opportunity to Mrs. Kimbrough, as Mrs. Davis' representative, to appear before the Senate for the purpose above mentioned, and the Chair appointed Messrs. Cayce, Adams, Bailey, Moore and Martin as a Committee to meet Mrs. Kimbrough, as Mrs. Davis' representative, and conduct her to the Senate.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

S. B. No. 5, To be entitled an Act to appropriate money for the support of the Industrial Institute and College of Columbus, for the addition of certain departments thereto, to provide for elevators and for the erection of an industrial hall and laundry, and for the enlarging of the chapel building, and for the repairs and equipment of the buildings of said institution during the years 1902 and 1903, and to provide for payment of same, with accompanying amendment.

And has indefinitely postponed S. B. No. 14, To be entitled an Act to provide for the payment of interest due the University of

Mississippi on account of the 1894 land grant fund for the period from March 10, 1900, to November 1, 1901.

L. PINK SMITH, *Clerk*.

Mr. Cayce, in behalf of the committee appointed to meet Mrs. Kimbrough, as Mrs. Jefferson Davis' representative, reported that duty performed, and announced that they had information that an opportunity would be granted by the House to Mrs. Kimbrough, as Mrs. Davis' representative, to address both houses in the hall of the House at 12 o'clock M., and that the House expected to invite the Senate to join them at that hour for the purpose of hearing Mrs. Davis' proposition relative to the sale of Beauvoir to the State.

INTRODUCTION OF BILLS.

The following bills were introduced, and, under a suspension of the rules, read twice and referred to committees as follows:

By Mr. Gardner—

S. B. No. 58, An Act to provide for the appointment of an assistant Attorney General, and to prescribe his qualifications, duties and compensations.

To Judiciary.

By Mr. Bradley—

S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892, relative to salaries, and also an Act to amend said section of said Code so far as same relates to the salary of Governor's private secretary, etc., being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of the Governor from thirty-five hundred to five thousand dollars; and the salaries of each of the Supreme Judges from thirty-five hundred to five thousand dollars.

To Finance.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendation:

S. B. No. 56, An Act to empower the Board of Supervisors of Harrison County to order an election for the purpose of submitting to the qualified electors of said county the removal of the county seat of said county from Mississippi City to Gulfport.

And your committee recommends that the title of said bill is sufficient, and that the bill do pass, for in the opinion of your committee the relief sought can not be given by the courts, nor advantageously provided for by general laws.

VENTRESS, *Chairman*.

Report of Committee on Judiciary:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following memorial referred to it, and has instructed me to report it back with the following recommendation:

Memorial of Fred Bell, ex-convict. That said memorial be referred to the Committee on Penitentiary and Prisons.

R. B. CAMPBELL, *Acting Chairman*.

Report of Committee on Judiciary:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bill referred to it, and has instructed me to report it back with the following recommendation:

S. B. No. 55, To be entitled an Act to make an appropriation for payment of salaries of special Judges and Chancellors.

Title sufficient, and bill do pass.

R. B. CAMPBELL, *Acting Chairman*.

The courtesies of the Senate were extended to Hon. B. T. Kimbrough, of Lafayette County, and Rev. J. W. Raymond, of Holly Springs.

CONCURRENT RESOLUTION.

Mr. Campbell introduced S. C. R. No. 12, a concurrent resolution proposing to amend the Constitution of the State by abrogating therefrom Sections 118 and 166 so as to relieve the Legislature from the restrictions thereby imposed in regard to the salaries of the Governor and Judges and Chancellors, was read under a suspension of the rules, and referred to Committee on Constitution.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of S. B. No. 15, An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903, for buildings and equipment needed, the same being unfinished business.

On motion of Mr. Falkner, items six, seven, eight, ten and eleven were severally adopted, item nine having been stricken from the bill on yesterday. To items twelve and thirteen, ordered considered together, Mr. Seawright offered the following amendment, viz.:

Amend by striking out items twelve and thirteen, which provide for the establishment of a training school and for support of same.

On motion of Mr. Campbell, Chancellor Fulton, of the University of Mississippi, was invited to address the Senate touching the two items above mentioned, to which end the privileges of the floor were extended him.

Thereupon Chancellor Fulton appeared and addressed the Senate in compliance with the foregoing invitation.

Mr. Martin in the chair.

Pending consideration of Mr. Seawright's amendment, above set out, at 12 o'clock M. a committee from the House appeared and invited the Senate to join the House in the hall thereof for the purpose of hearing Mrs. McC. Kimbrough, representing Mrs. Jefferson Davis, address the Legislature touching sale of Beauvoir to the State of Mississippi for a Soldiers' Home.

On motion the invitation was accepted and the Senate repaired to the hall of the House for the purpose named.

At 12.30 P. M. the Senate returned to its chamber and resumed consideration of Mr. Seawright's amendment, proposing to strike out items number twelve and thirteen of S. B. No. 15, above set out.

Mr. Ventress in the chair.

Mr. Falkner moved to table Mr. Seawright's amendment, which motion prevailed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Dulaney, Evans, Falkner, Heard, Hicks, Looney, Moore, Noel, Rowan, Shelton, Ventress, Yarbrough—Total 17.

Nays—Messrs. Bailey, Broyles, Dent of Fourth District, Dunn, Farley, Gardner, Key, Sanders, Seawright, Sharborough, Sheppard, Taylor, Young—Total 13.

Absent and those not voting — Messrs. Chrisman, Clinton, Cooper, Crawford, Dent of the Sixteenth District, George, Hinton, Hughes, Jones, Kiger, Lee, Martin, McGehee, Wharton and Wilson—Total 15.

PAIRS.

The following pairs were announced: Mr. Hughes was paired with Mr. George; Mr. George would vote "yea," Mr. Hughes "nay." Mr. Hinton was paired with Mr. Chrisman; Mr. Hinton would vote "yea," Mr. Chrisman "nay."

On motion of Mr. Falkner items twelve and thirteen were severally adopted.

Mr. Falkner moved the engrossment, third reading and passage of the bill as amended, which motion prevailed.

Whereupon the bill was considered engrossed, read a third time, and failed to pass by the Constitutional majority, as shown by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Dent of Fourth District, Dulaney, Evans, Falkner, Farley, Heard, Hicks, Looney, Moore, Noel, Rowan, Sharborough, Shelton, Ventress, Yarbrough—Total 21.

Nays—Messrs. Dunn, Key, Sanders, Sheppard, Taylor, Young—Total 6.

Absent and those not voting—Messrs. Bailey, Chrisman, Clinton, Cooper, Crawford, Dent of the Sixteenth District, Gardner,

George, Hinton, Hughes, Jones, Kiger, Lee, Martin, McGehee, Seawright, Wharton and Wilson—Total 18.

PAIRS.

The following pairs were announced: Mr. Hughes was paired with Mr. George; Mr. George would vote "yea," Mr. Hughes "nay." Mr. Hinton was paired with Mr. Chrisman; Mr. Hinton would vote "yea," Mr. Chrisman "nay."

Mr. Dunn entered a motion to reconsider the vote whereby the bill failed to pass.

Mr. Evans obtained a suspension of the rules for consideration out of order of S. B. No. 56, An Act to empower the Board of Supervisors of Harrison County to order an election for the purpose of submitting to the qualified electors of said county the removal of the county seat of said county from Mississippi City to Gulfport.

On motion of Mr. Evans the rules were suspended, the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Farley, Heard, Hicks, Key, Looney, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Yarbrough, Young—Total 28.

Absent and those not voting—Messrs. Bailey, Chrisman, Clinton, Cooper, Crawford, Dent of the Sixteenth District, Gardner, George, Hinton, Hughes, Jones, Kiger, Lee, Martin, McGehee, Wharton and Wilson—Total 17.

The following resolution, introduced by Mr. Yarbrough, was on motion adopted, viz.:

Resolved, That when the Senate adjourn to-day it adjourn until 10 o'clock Monday morning next.

Mr. Cayce obtained a suspension of the rules for consideration out of order of H. B. No. 85, An Act to authorize the city of Columbus to issue and sell bonds to build a new City Hall, complete sewerage plant, and erect a new school building.

On motion of Mr. Cayce the rules were suspended, the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Dulaney, Dunn, Evans, Falkner, Farley, Heard, Hicks, Key, Lee, Looney, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Ventress, Yarbrough, Young—Total 24.

Absent and those not voting—Messrs. Bailey, Broyles, Chrisman, Clinton, Cooper, Crawford, Dent of the Fourth District, Dent of the Sixteenth District, Gardner, George, Hinton, Hughes, Jones, Kiger, Martin, McGehee, Seawright, Sheppard, Taylor, Wharton and Ventress—Total 21.

Title standing as stated.

At 1.45 P. M., on motion of Mr. Yarbrough, the Senate stood adjourned until 10 o'clock Monday morning next.

JOHN Y. MURRY, JR., *Secretary*.

NINETEENTH DAY.

MONDAY, February 3, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Rev. Mr. O'Brien.

The roll being called the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Campbell, Cooper, Dent of Fourth District, Dulaney, Dunn, Falkner, George, Hicks, Jones, Key, Lee, Looney, Moore, Rowan, Sanders, Sharborough, Taylor, Ventress, Young—Total 21.

Absent—Messrs. Bailey, Bradley, Broyles, Cayce, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Evans, Farley, Gardner, Heard, Hinton, Hughes, Kiger, Martin, McGehee, Noel, Seawright, Shelton, Sheppard, Wharton, Wilson and Yarbrough—Total 24.

Roll call disclosing the fact that no quorum was present, the Sergeant-at-Arms was instructed to procure the attendance of absentees.

The Sergeant-at-Arms reported that all the Senators in the city except those who were sick were in attendance.

On motion a recess was taken until 11 o'clock.

At 11.30 A. M., no additional Senators having appeared, on motion of Mr. Abbay the Senate adjourned until 10 o'clock tomorrow morning.

JOHN Y. MURRY, JR., *Secretary*.

TWENTIETH DAY.

TUESDAY, February 4, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Bishop Galloway.

The roll being called the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Yarbrough, Young—Total 35.

Absent—Messrs. Broyles, Cayce, Chrisman, Crawford, Evans, Farley, Heard, Kiger, Seawright and Wilson—Total 10.

On motion of Mr. Bradley, the reading of the Journal of yesterday was dispensed with and the same stood approved.

The courtesies of the Senate were extended to Hon. D. W. Heidelberg of Clark County, Hon. T. C. Catchings of Warren, and Major Lee Richardson of Warren, and W. A. Montgomery of LaFayette County.

Mr. Moore obtained consent to call up S. B. No. 5, An Act to appropriate money for the support of the Industrial Institute and College at Columbus, for the addition of certain departments thereto, to provide for elevators and for the erection of an industrial hall and laundry, and for the enlarging of the chapel building, and for the repairs and equipment of the buildings of said institution during the years 1902 and 1903, and to provide for payment of same, and moved that the House amendment thereto heretofore reported be concurred in, which motion prevailed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Clinton, Cooper, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Moore, Rowan, Shelton, Sheppard, Taylor, Ventress, Wharton, Young—Total 26.

Absent and those not voting—Messrs. Broyles, Cayce, Chrisman, Crawford, Dent of Fourth District, Evans, Farley, Gardner, George, Heard, Kiger, Lee, Martin, Noel, Sanders, Seawright, Sharborough, Wilson, and Yarbrough—Total 19.

Title standing as stated.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892, relative to salaries, and also an Act to amend said section of said Code so far as same relates to the salary of Governor's private secretary, etc., being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of the Governor from thirty-five hundred to five thousand dollars,

and the salaries of each of the Supreme Judges from thirty-five hundred to five thousand dollars.

Title sufficient; do pass.

BRADLEY, *Chairman*.

Report of Judiciary Committee:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bills referred to it, and has instructed me to report them back with the following recommendations:

S. B. No. 32, An Act to provide public depositories and to protect and secure public funds in their custody.

Title sufficient; bill do pass.

S. B. No. 58, An Act to provide for the appointment of an assistant Attorney General, and to prescribe his qualifications, duties and compensation.

Title sufficient; bill do pass.

H. B. No. 42, An Act to raise revenues by making valid and of binding effect all contracts made previous to the passage of this Act, and subsequent to March 1, 1900, which are or were null and void or voidable, under previous or existing laws because of non-payment of privilege taxes due when such contracts were made upon terms of full payment of all such privilege taxes so in default, with two hundred per centum damages thereon within sixty days after the passage of this act.

Title insufficient as amended; that bill do pass with amendments four and five.

R. B. CAMPBELL, *Acting Chairman*.

Report of Committee on Constitution:

MR. PRESIDENT: The Committee on Constitution has had under consideration the following concurrent resolution referred to it, and has instructed me to report it back with the following recommendations:

S. C. R. No. 12, A concurrent resolution of the Legislature of the State of Mississippi proposing to amend the Constitution of the State by abrogating therefrom Sections 118 and 166, so as to relieve the Legislature from the restrictions thereby imposed in regard to the salaries of the Governor, Judges and Chancellors.

Do not pass, but that the following substitute therefor, to-wit:

A Concurrent Resolution of the Legislature of the State of Mississippi to amend Section 166 of the Constitution, herewith presented, do pass.

R. B. CAMPBELL, *Chairman*.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bill, and now present it for your signature, to-wit:

S. B. No. 5, An Act to appropriate money for the support of the Industrial Institute and College at Columbus, for the addition of certain departments thereto, to provide for elevators, and for the erection of an industrial hall and laundry and for the enlarging of the chapel building and for repairs and equipment of the buildings of said institution during the years 1902 and 1903, and to provide for payment of same.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bill read by its title and signed the same, calling the attention of the Senate thereto.

Mr. George in the chair.

HOUSE MESSAGE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 48, To be entitled An Act making an appropriation for the support, repairs, additional buildings, improvements and equipment of the Mississippi Agricultural and Mechanical College.

H. B. No. 57, To be entitled An Act to secure the better enforcement of the anti-trust laws of this State by supplementary provisions, more fully regulating the venue and procedure, establishing certain rules of evidence, imposing additional penalties and regulating the ownership and disposition of the property of corporations whose charters may be adjudged forfeited.

H. B. No. 28, To be entitled An Act to make an appropriation to defray the expenses of the State Insane Hospital for the years 1902 and 1903.

H. B. No. 70, To be entitled An Act to appropriate from the pension funds returned to the treasury money to pay pensions to those whose applications were received after the distribution had been made to the counties by the Auditor.

H. B. No. 95, To be entitled An Act to divide the county of Tallahatchie into two Circuit and Chancery Court Districts and to fix the jurisdiction of the courts, and to provide for holding same in each district, and to provide for the location of a county site in the Second District thereof, and to provide for the building of a court house and jail therein, and for transcribing of all muniments of title to lands lying within the Second District of said county, and to provide for the payment of all expenses incurred in carrying out the provisions of this act.

H. B. No. 82, To be entitled An Act to provide for the protection of the property of the State at the Capitol from damage or destruction by fire, and the appropriation of one thousand dollars for the year 1902, and one thousand dollars for the year 1903 for same.

H. B. No. 61, To be entitled An Act to make an appropriation to defray the expenses of the Institution for the Deaf and Dumb for the years 1902 and 1903.

H. B. No. 44, To be entitled An Act to pay for legal services rendered the State in the suit of Warren County et al. vs. E. H. Nall, Land Commissioner.

H. B. No. 5, To be entitled An Act for the relief of Wade Polk, Tax Assessor of Lawrence County.

H. B. No. 32, To be entitled An Act to make an appropriation to defray the expenses of the East Mississippi Insane Hospital for the years 1902 and 1903, and for other purposes.

H. B. No. 98, To be entitled An Act to authorize the City of West Point, Mississippi, to issue and negotiate bonds for the purpose of enlarging and equipping the public school building of said city of West Point.

Also House Concurrent Resolution in regard to the resignation of ex-Treasurer J. R. Stowers.

L. PINK SMITH, *Clerk*.

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the Calendar were read twice, under a suspension of the rules, and referred to committees as follows:

H. B. No. 5, An Act for the relief of Wade Polk, Tax Assessor of Lawrence County.

To Local and Private Legislation.

H. B. No. 28, An Act to make an appropriation to defray the expenses of the State Insane Hospital for the years 1902 and 1903.

To Humane and Benevolent Institutions.

H. B. No. 32, An Act to make an appropriation to defray the expenses of the East Mississippi Insane Hospital for the years 1902 and 1903, and for other purposes.

To Humane and Benevolent Institutions.

H. B. No. 44, An Act to pay for legal services rendered the State in the suit of Warren County et al. vs. E. H. Nall, Land Commissioner.

To Local and Private Legislation.

H. B. No. 48, An Act making an appropriation for the support, repairs, additional buildings, improvements and equipment of the Mississippi Agricultural and Mechanical College.

To Finance.

H. B. No. 57, An Act to secure the better enforcement of the anti-trust laws of this State by supplementary provisions more fully regulating the venue and procedure, establishing certain rules of evidence, imposing additional penalties and regulating the ownership and disposition of the property of corporations whose charters may be adjudged forfeited.

To Corporations.

H. B. No. 61, An Act to make an appropriation to defray the expenses of the Institution for the Deaf and Dumb for the years 1902 and 1903.

To Humane and Benevolent Institutions.

H. B. No. 70, An Act to appropriate from the pension funds returned to the treasury money to pay pensions to those whose applications were received after the distribution had been made to the counties by the Auditor.

To Finance.

H. B. No. 82, An Act to provide for the protection of the property of the State at the Capitol from damage or destruction by fire, and the appropriation of one thousand dollars for the year 1902 and one thousand dollars for the year 1903 for same.

To Finance.

H. B. No. 95, An Act to divide the County of Tallahatchie into two Circuit and Chancery Court Districts, and to fix the jurisdiction of the courts, and to provide for holding same in each district, and to provide for the location of a county site in the Second District thereof, and to provide for the building of a court house and jail therein, and for transcribing of all muniments of title to lands lying within the Second District of said county, and to provide for the payment of all expense incurred in carrying out the provisions of this act.

To Local and Private Legislation.

H. B. No. 98, An Act to authorize the city of West Point, Mississippi, to issue and negotiate bonds for the purpose of enlarging and equipping the public school building of said city of West Point.

To Local and Private Legislation.

Mr. Hughes called up from the table S. B. No. 21, An Act to amend Section 3771 of the Annotated Code, providing for the assessment of lands every two years, for the purpose of raising revenue, and moved the engrossment and third reading of the same.

The following amendment, offered by Mr. Sharborough, was on motion adopted, viz.:

Amend by striking out "two" and insert "four" in the last line after the word "every" and before the word "years."

To the bill as amended the following amendment, offered by Mr. Campbell, was on motion adopted, viz.:

Amend by adding to the end of Section 1 the following:

"The Auditor of Public Accounts shall furnish the clerk of the Board of Supervisors of the several counties the necessary copies of the assessment rolls and books as soon as practicable after the passage of this act, and thereafter as now required by law."

Mr. Hughes called the previous question on the engrossment, third reading and passage of the bill as amended.

The call was sustained, whereupon the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Hicks, Hinton, Hughes, Key, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sharborough, Shelton, Yarbrough—Total 26.

Nays — Messrs. Abbay, Jones, Sheppard, Taylor, Young — Total 5.

Absent and those not voting—Messrs. Broyles, Cayce, Chrisman, Cooper, Crawford, Evans, Farley, Heard, Kiger, Sanders, Seawright, Ventress, Wharton and Wilson—Total 14.

PAIRS.

Mr. Sanders announced he was paired on the passage of this bill with Mr. Wilson; Mr. Sanders would vote "aye," Mr. Wilson "nay."

On motion of Mr. Hughes the title was amended by striking out the word "two" before "years," and inserting in lieu thereof the word "four."

Whereupon, the title as amended was adopted.

Mr. Dulaney entered a motion to reconsider the vote whereby the bill passed the Senate.

Leave of absence from day to day was granted to Messrs. Evans, Wilson, Broyles, Cayce, Farley and Seawright.

INTRODUCTION OF BILLS.

The following bills were introduced, and under a suspension of the rules were read twice and referred to committees as follows:

By Mr. Dunn, by request—

S. B. No. 60, An Act to raise revenue, to suppress bucket shops, and for other purposes.

To Judiciary.

By Mr. Bradley—

S. B. No. 61, An Act to amend Chapter 117, Code of 1892, and subsequent Act of the Legislature amendatory thereto in relation to roads, ferries and bridges, and to provide for the betterment thereof.

To Public Works.

On motion of Mr. Campbell S. C. R. No. 5, a concurrent resolution submitting to the qualified electors of the State for ratification or rejection an amendment to the Constitution increasing the number of Supreme Court Judges, was tabled subject to call.

Mr. Looney obtained consent to withdraw S. B. No. 19, An Act to establish a State Training School for white teachers.

Mr. Bradley called up the motion heretofore entered to reconsider the vote whereby S. B. No. 15, An Act to make an appropri-

ation for the support of the University of Mississippi for the years 1902 and 1903, for buildings and equipments needed, failed to pass the Senate on a former day, and moved that the same be reconsidered, which motion prevailed.

On motion of Mr. Bradley the bill as heretofore amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Gardner, George, Hicks, Jones, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Ventress, Yarbrough, Young—Total 28.

Nays—Messrs. Hughes and Key—Total 2.

Absent and those not voting—Messrs. Broyles, Cayce, Chrisman, Cooper, Crawford, Dulaney, Evans, Farley, Heard, Hinton, Kiger, Seawright, Taylor, Wharton and Wilson—Total 15.

PAIRS.

Mr. Hinton announced that he was paired on this bill with Mr. Chrisman; Mr. Hinton would vote "aye," Mr. Chrisman "nay."

Title standing as stated.

SENATE BILLS ON THIRD READING.

S. B. No. 2, An Act to appropriate money for the support of the common schools of the State of Mississippi for the years 1902 and 1903.

On motion of Mr. Hughes the bill was indefinitely postponed, a similar bill having already become a law.

S. B. No. 26, An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties and to provide for its maintenance, and for the issuance of future publications of the Mississippi Historical Society.

The following amendment, proposed by Mr. Campbell, was on motion adopted, viz.:

Amend paragraph 1 of Section 2 by striking out the word "Governor" where it occurs therein, and inserting in lieu thereof the words "Secretary of State."

To the bill as amended Mr. Campbell offered the following amendment, viz.:

In Section 3, paragraph 3, strike out the words "and a continuing appropriation for the said salary is hereby made."

Mr. Moore offered as a substitute that in lieu of the words proposed to be stricken out be inserted the following, viz.:

"And the sum of thirty-six hundred dollars is hereby appropriated from any funds in the State Treasury not otherwise appropriated, for the payment of such salary for the years 1902 and 1903."

On motion the substitute was adopted.

On motion the bill as amended was considered engrossed, read a third time, and failed to pass by the constitutional majority, as shown by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Dent of Fourth District, Dulaney, Falkner, George, Hicks, Jones, Lee, Martin, McGehee, Noel, Rowan, Taylor, Ventress, Young—Total 19.

Nays—Messrs. Cooper, Dunn, Hinton, Hughes, Key, Looney, Moore, Sanders, Sharborough—Total 9.

Absent and those not voting—Messrs. Broyles, Cayce, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Evans, Farley, Gardner, Heard, Kiger, Seawright, Shelton, Sheppard, Wharton, Wilson and Yarbrough—Total 17.

Mr. Moore entered a motion to reconsider the vote whereby the above bill failed to pass.

At 1 P. M., on motion of Mr. Bradley, the Senate adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

TWENTY-FIRST DAY.

WEDNESDAY, February 5, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Yarbrough, Young—Total 37.

Absent — Messrs. Cayce, Crawford, Evans, Farley, Heard, Kiger, Wharton and Wilson—Total 8.

On motion of Mr. Adams the reading of the journal of yesterday was dispensed with and the same stood approved.

The courtesies of the Senate were extended to Hons. C. C. Miller of Lauderdale, W. C. McLean of Grenada, Dr. D. L. Gavin of Alabama, Col. Wm. Frazee of Chickasaw, Messrs. Sam Rothenberg and S. I. Solomon of Lauderdale, and Walter Gex of Hancock.

Mr. Moore moved that the rules be suspended and that Gen. Stephen D. Lee be invited to address the Senate touching the matter of appropriating money to defray the expenses of the Mississippi Historical Society, with special reference to the provisions of S. B. No. 26 on that subject, which said bill the Senate failed to pass on yesterday, a motion to reconsider which is now pending.

The motion prevailed, whereupon General Lee, in response to the invitation, appeared and addressed the Senate on the said subject.

REPORTS OF STANDING COMMITTEES.

Report of Judiciary Committee:

MR. PRESIDENT: The Committee on Judiciary has had under consideration the following bills referred to it, and has instructed me to report them back with the following recommendations:

S. B. No. 33, An Act to provide for the revision and codification of the laws of the State.

Title sufficient; do not pass.

S. B. No. 60, An Act to raise revenue to suppress bucket shops and for other purposes.

Title insufficient; do not pass.

S. C. R. No. 4, to insert into the Constitution Section 206 of the Constitution as amended.

Do not pass, the committee being of the opinion that a Constitutional amendment, though ratified by the people, can not be inserted into the Constitution by the same Legislature proposing such amendment.

R. B. CAMPBELL, *Acting Chairman.*

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

H. B. No. 11, An Act to create the Exposition Bureau, to provide for an exhibit at the Louisiana Purchase Exposition and to make an appropriation therefor.

Title sufficient; that bill do pass.

H. B. No. 51, An Act to make an appropriation for fuel, lights, telephone and janitor for the Governor's mansion for the years 1902 and 1903.

Title sufficient; that bill do pass.

H. B. No. 62, An Act making appropriation for the maintenance and support of the Alcorn Agricultural and Mechanical College and for the erection of additional buildings for the use of the students of said college.

Title sufficient; that bill do pass.

H. B. No. 64, An Act making an appropriation to carry out the provisions of Chapter 76 of the laws of the State of Mississippi of 1900, being an Act entitled An Act to enable the Auditor of Public Accounts and Land Commissioner of the State of Mississippi to properly conduct their respective offices, and to correct mistakes in land descriptions and land sales and provide for relief in repayment of moneys erroneously paid in privileges and State taxes and land purchases, and to save the State cost in passing bills for relief by local and private legislation in certain cases.

Title sufficient; that bill do pass.

BRADLEY, *Chairman*.

Report of Committee on Registration and Elections:

MR. PRESIDENT: The Committee on Registration and Elections has had under consideration the following bills referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 1, An Act to repeal all of Chapter 105 relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations for State, district, county district and county officers to be made by primary election.

Title sufficient, and that bill do pass.

B. C. ADAMS, *Chairman*.

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 41, An Act making an appropriation for payment of fees due Critz & Becket for legal services rendered the State in injunction suits against the Railroad Commission.

And your committee reports its title sufficient and recommend that the bill do pass, for in the opinion of your committee the relief sought can not be given by the courts nor advantageously provided for by general law.

H. B. No. 95, An Act to divide the County of Tallahatchie into two Circuit and Chancery Court Districts and to fix the jurisdiction of the courts and to provide for holding same in each district, and to provide for the location of a county site in the Second District thereof, and to provide for the building of a court house and jail therein, and for transcribing of all muniments of title to lands lying within the Second District of said county, and to provide for the payment of all expenses incurred in carrying out the provisions of this act.

Title sufficient; that bill do pass, for in the opinion of your committee the relief sought can not be obtained through the courts nor advantageously provided for by a general law.

VENTRESS, *Chairman*.

Report of Committee on Humane and Benevolent Institutions:

MR. PRESIDENT: The Committee on Humane and Benevolent Institutions has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 28, An Act to make an appropriation to defray the expenses of the State Insane Hospital for the years 1902 and 1903. Title sufficient; bill do pass.

BROYLES, *Chairman.*

Report of Committee on Engrossed Bills:

MR. PRESIDENT: The Committee on Engrossed Bills has had under consideration the following bill referred to them, and have instructed me to report back that the same has been correctly engrossed:

S. B. No. 15, An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903 for buildings and equipment needed.

MCGEHEE, *Chairman.*

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bill, which was correctly enrolled and signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 5, An Act to appropriate money for the support of the Industrial Institute and College at Columbus, for the addition of certain departments thereto, to provide for elevators, and for the erection of an industrial hall and laundry, and for the enlarging of the chapel building, and for repairs and equipment of the buildings of said institution during the years 1902 and 1903, and to provide for payment of same.

B. W. SHARBOROUGH, *Chairman.*

HOUSE MESSAGE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 83, To be entitled An Act for the relief of W. T. Gwin, ex-tax assessor of Webster County, so as to compensate him for assessing the taxes for the year 1899, for which he received no compensation from the State.

H. B. No. 86, To be entitled An Act to make an appropriation to pay A. W. Jones, of Prentiss County, balance due him for the year 1899.

S. B. No. 50, To be entitled An Act to cure defects in the issuance of certain town bonds of Oxford.

L. PINK SMITH, *Clerk.*

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the calendar were read twice, under a suspension of the rules, and referred to committees as follows:

H. B. No. 83, An Act for the relief of W. T. Gwin, ex-tax assessor of Webster County, so as to compensate him for assessing the taxes for the year 1899, for which he received no compensation from the State.

To Local and Private Legislation.

H. B. No. 86, An Act to make an appropriation to pay A. W. Jones, of Prentiss County, balance on pension due him for the year 1899.

To Local and Private Legislation.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bill, and now present it for your signature, to-wit:

S. B. No. 50, An Act to cure defects in the issuance of certain town bonds of Oxford.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bill read by its title, and signed the same, calling the attention of the Senate thereto.

PROCLAMATION OF THE GOVERNOR.

A message from the Governor was received submitting the following proclamation, viz.:

EXECUTIVE DEPARTMENT,
JACKSON, MISS.

WHEREAS, Section 36 of the Constitution of the State of Mississippi provides that the special sessions of the Legislature shall not continue longer than thirty days unless the Governor, deeming the public interest to require it, shall extend the sitting by proclamation in writing, to be sent to and entered upon the journals of each House for a specific number of days, and then it may continue in session to the expiration of that time; and,

WHEREAS, It is manifest that the important business of the Legislature can not be completed within the time fixed by the Constitution, and deeming the public interest to require it, I do hereby issue this my

PROCLAMATION,

and transmit it to each House of the Legislature to be entered upon the journals thereof, and do hereby extend the sitting of the

Legislature for a period of fifteen days, or until and including the 20th day of February, 1902.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Mississippi to be affixed.

Done at the Capitol in the city of Jackson, this the 5th day of February, in the year of our Lord 1902.

[SEAL]

A. H. LONGINO, *Governor*.

By the Governor:

JOSEPH W. POWER,
Secretary of State.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 84, An Act to authorize the city of Columbus to issue certain bonds to refund and pay off outstanding bonds heretofore issued to the Columbus, Fayette & Decatur Railroad, or bearer.

H. B. No. 85, An Act to authorize the city of Columbus to issue and sell bonds to build a new city hall, complete sewerage plant, and erect a new school building.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles, and signed the same, calling the attention of the Senate thereto.

Mr. Dunn called up, under a suspension of the rules, H. B. No. 37, An Act to make appropriation to defray the expenses of the Institute for the Blind, and for other purposes.

On motion of Mr. Dunn the following amendment to the bill, proposed by the committee, was adopted, viz.:

Amend by adding after the word "1903," in the 11th line of second page, the words "but they shall have their board and lodging at the institution."

On motion of Mr. Dunn the bill as amended was read a third time and passed the Senate by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Clinton, Cooper, Dent of Sixteenth District, Dulaney, Dunn, Falkner, George, Hicks, Hinton, Hughes, Jones, Key, Lee, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Yarbrough, Young—Total 35.

Absent and those not voting—Messrs. Cayce, Crawford, Dent of the Fourth District, Evans, Farley, Gardner, Heard, Kiger, Wharton and Wilson—Total 10.

On motion of Mr. Adams S. B. No. 1, An Act to repeal all of Chapter 105 relating to primary meetings and elections, except

Sections 3274 and 3275, and to provide for all nominations for State, district, county district and county officers to be made by primary election, was made the special order for Friday, the 7th inst., at 10 A. M., and 500 copies of the bill ordered printed for the use of the Senate.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being S. B. No. 34, An Act to amend Section 1574, Code of 1892, and to repeal Sections 1575 and 1576, and 1610 to 1620, inclusive, of said Code, thereby prohibiting the sale or giving away to induce trade of intoxicants.

The following amendment to the bill as heretofore amended, offered by Mr. Sanders, was on motion adopted, viz.:

Amend by adding after the word "whatever," in Section 1, the following, "in any county in the State of Mississippi."

Mr. Sheppard in the chair.

Mr. George called the previous question on the engrossment and third reading of the bill as amended.

Mr. Dunn moved that the Senate adjourn, which motion was lost.

Whereupon the motion of Mr. George for the previous question was adopted, and the bill as amended was considered engrossed, the bill read a third time, and failed to pass by the following vote:

Yeas—Messrs. Abbay, Bailey, Broyles, Chrisman, Gardner, Jones, Looney, Moore, Noel, Rowan, Seawright, Sheppard, Taylor, Yarbrough—Total 14.

Nays—Messrs. Adams, Bradley, Campbell, Clinton, Cooper, Dent of Sixteenth District, Dulaney, Falkner, George, Hicks, Hinton, Key, Lee, Martin, Sanders, Sharborough, Shelton, Ventress, Young—Total 19.

Absent and those not voting—Messrs. Cayce, Crawford, Dent of the Fourth District, Dunn, Evans, Farley, Heard, Hughes, Kiger, McGehee, Wharton and Wilson—Total 12.

The following pairs on the passage of this bill were announced:

Mr. McGehee was paired with Mr. Evans.

Mr. Dunn was paired with Mr. Kiger.

Mr. Hughes was paired with Mr. Crawford.

Mr. Dent of Fourth District was paired with Mr. Heard.

Messrs. McGehee, Dunn, Hughes and Dent would have voted "aye"; Messrs. Evans, Kiger, Crawford and Heard would have voted "nay."

Mr. Sanders entered a motion to reconsider the vote whereby the bill failed to pass the Senate.

At 1.30 P. M. the Senate, on motion of Mr. George, adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

TWENTY-SECOND DAY.

THURSDAY, February 6, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Rev. Mr. Hutton.

The roll being called the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Yarbrough, Young—Total 39.

Absent—Messrs. Broyles, Farley, Kiger, Lee, Wharton and Wilson—Total 6.

On motion of Mr. Hughes the reading of yesterday's journal was dispensed with and the same stood approved.

On motion of Mr. Bradley S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892, relative to salaries and also an Act to amend said section of said Code so far as same relates to the salary of Governor's private secretary, etc., being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of the Governor from thirty-five hundred to five thousand dollars, and the salaries of each of the Supreme Judges from thirty-five hundred to five thousand dollars, was made the special order for 10.45 this morning.

The following resolution, introduced by Mr. George, was on motion tabled subject to call, viz.:

Resolved, That from and after this date no Senator shall be permitted to speak on any bill or measure for more than seven minutes without an extension of his time; provided that the author of the bill or mover of the measure or Senator having charge of a bill or measure shall be permitted twenty minutes, and after previous question seven minutes.

Mr. Gardner called up H. B. No. 95, An Act to divide the County of Tallahatchie into two Circuit and Chancery Court Districts, and to fix the jurisdiction of the courts, and to provide for holding same in each district, and to provide for the location of a county site in the Second District thereof, and to provide for the building of a court house and jail therein, and for transcribing all muniments of title to lands lying within the Second District of said county, and to provide for the payment of all expenses incurred in carrying out the provisions of this act.

On motion of Mr. Gardner, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Taylor, Ventress, Yarbrough, Young—Total 38.

Absent and those not voting—Messrs. Broyles, Farley, Kiger, Lee, Sheppard, Wharton and Wilson—Total 7.

Title standing as stated.

Mr. George called up the motion to reconsider the vote whereby S. B. No. 34, An Act to amend Section 1574, Code of 1892, and to repeal Sections 1575 and 1576, and 1610 to 1620, inclusive, of said Code, thereby prohibiting the sale or giving away to induce trade of intoxicants, was lost, and on motion of Mr. George the motion to reconsider was tabled by the following vote, viz.:

Yeas—Messrs. Adams, Bradley, Campbell, Clinton, Cooper, Dent of Sixteenth District, Dulaney, Evans, Falkner, George, Heard, Hicks, Hinton, Key, Martin, McGehee, Sharborough, Shelton, Ventress, Young—Total 20.

Nays—Messrs. Abbay, Bailey, Cayce, Chrisman, Dunn, Gardner, Hughes, Jones, Looney, Noel, Rowan, Sanders, Seawright, Taylor, Yarbrough—Total 15.

Absent and those not voting—Messrs. Broyles, Crawford, Dent of the Fourth District, Farley, Kiger, Lee, Moore, Sheppard, Wharton, and Wilson—Total 10.

PAIRS.

Mr. Moore announced that he was paired on this motion with Mr. Lee. If present Mr. Lee would have voted "yea," Mr. Moore "nay."

Mr. Hughes called up the motion heretofore entered to reconsider S. B. No. 21, An Act to amend Section 3771 of the Annotated Code providing for the assessment of lands every four years for the purpose of raising revenue, and moved that the motion to reconsider be tabled, which motion prevailed.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor, for his approval, the following entitled bill, which was correctly enrolled and signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 50, An Act to cure defects in the issuance of certain town bonds of Oxford.

B. W. SHARBOROUGH, *Chairman.*

Report of Committee on Engrossed Bills:

MR. PRESIDENT: The Committee on Engrossed Bills has had under consideration the following bill referred to them, and has instructed me to report back that they have found the same correctly engrossed:

S. B. No. 21, An Act to amend Section 3771 of the Annotated Code, providing for the assessment of lands every four years for the purpose of raising revenue.

McGEHEE, *Chairman.*

REPORT OF SPECIAL COMMITTEE.

Report of Special Committee on Congressional Reapportionment:

MR. PRESIDENT: Your Special Committee on Congressional Reapportionment appointed by you as a joint committee to whom should be referred all matters to apportion and redistrict the State of Mississippi into eight Congressional Districts, beg leave to report that they have had under consideration S. B. Nos. 8 and 49, being bills to divide the State into eight Congressional Districts, referred to them, and have agreed to report the following bill as a substitute for S. B. No. 8, and recommend that the said substitute do pass, the title being sufficient, and that all other bills on this subject referred to them do not pass.

L. C. DULANEY, *Chairman.*

G. L. JONES, *Secretary pro tem.*

HOUSE MESSAGE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

H. B. No. 14, To be entitled An Act to appropriate \$2,500 in the year 1902, and \$1,500 for the year 1903 for the Confederate Hospital Annex at Vicksburg, Mississippi, and to provide for the distribution of the same.

And House Concurrent Resolution No. 5, concurrent resolution to have the Trustees and President of the Deaf and Dumb Institute invite bids for the sale of the property now used as the Deaf and Dumb Institute, and to report at the next session of the Legislature.

L. PINK SMITH, *Clerk.*

On motion the rules were suspended and the foregoing bill, just reported from the House, was referred to Finance Committee.

INTRODUCTION OF BILLS OUT OF ORDER.

Under a suspension of the rules S. B. No. 62, An Act to establish a State Teachers' Training School for white teachers, and to

make an appropriation for the same, was introduced by Mr. Looney, read twice and referred to Committee on Education.

Mr. Bailey in the chair.

On motion of Mr. Sharborough, the committee substitute for S. B. No. 8, An Act to divide the State into eight Congressional Districts, was made the special order for 10 o'clock Tuesday morning next.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892, relative to salaries, and also an Act to amend said section of said Code so far as same relates to the salary of Governor's private secretary, etc., being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of the Governor from thirty-five hundred to five thousand dollars, and the salary of each of the Supreme Judges from thirty-five hundred to five thousand dollars.

On motion of Mr. Adams the bill was ordered considered by paragraphs.

To paragraph 1, relating to salary of the Governor, Mr. Hinton offered the following amendment, viz.:

Amend by striking out the words "five thousand," where they occur, and insert in lieu thereof the words "four thousand."

Mr. Hughes offered as a substitute for Mr. Hinton's amendment the following, viz.:

Substitute by making forty-five hundred dollars for the Governor.

On motion of Mr. Hughes the substitute for Mr. Hinton's amendment was adopted by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley Cayce, Clinton, Cooper, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Heard, Hicks, Hughes, Martin, McGehee, Moore, Rowan, Shelton, Sheppard, Yarbrough—Total 23.

Nays—Messrs. Abbay, Campbell, Chrisman, Crawford, Hinton, Jones, Key, Looney, Noel, Sanders, Seawright, Sharborough, Taylor, Ventress, Young—Total 15.

Absent and those not voting—Messrs. Broyles, Dent of the Sixteenth District, Farley, Kiger, Lee, Wharton and Wilson—Total 7.

On motion of Mr. Clinton the amendment as amended was adopted.

Mr. Campbell proposed as amendment the following:

"Amend by adding at the conclusion of the first paragraph the following: 'Which shall be all the compensation the Governor shall receive, and no appropriation for coal, lights or other thing for the Governor's private use or support shall be made.'"

The chair announced that the foregoing amendment was out of order at this time.

Whereupon, on motion of Mr. Adams, the votes whereby Mr. Hughes' substitute for Mr. Hinton's amendment, and also the amendment as amended, were adopted, were reconsidered.

Mr. Chrisman moved to table the matter pending, being Mr. Hughes' substitute for Mr. Hinton's amendment heretofore set out, which motion was lost.

Whereupon Mr. Hughes' substitute for Mr. Hinton's amendment was adopted.

Mr. Campbell thereupon offered the amendment just set out with reference to lights, fuel, etc., to be added at the end of paragraph 1.

Mr. Adams proposed as a substitute for the paragraph as amended and the amendment proposed thereto by Mr. Campbell, the following, viz.:

The Governor's salary shall be \$5,000 a year, and there shall be no incidentals for lights, fuel or other expenses of living allowed.

Pending consideration of the substitute Mr. Yarbrough obtained consent to have H. B. No. 28, An Act to make an appropriation to defray the expenses of the State Insane Hospital for the years 1902 and 1903, made the special order for to-morrow morning at 10 o'clock.

The following resolution, introduced by Mr. Gardner, under a suspension of the rules, was on motion adopted, viz.:

Resolved, That the Senate convene hereafter at 9.30 o'clock each day.

On motion of Mr. Bradley the Senate, at 1.25 P. M., adjourned until 9.30 to-morrow morning, the matter pending being Mr. Adams' substitute for paragraph 1, as amended, of S. B. No. 59, heretofore set out.

JOHN Y. MURRY, JR., *Secretary*.

TWENTY-THIRD DAY.

FRIDAY, February 7, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel,

Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Yarbrough, Young—Total 41.

Absent—Messrs. Kiger, Lee, Wharton and Wilson—Total 4.

On motion of Mr. Cayce the reading of the journal of yesterday was dispensed with, and the same stood approved.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Public Lands:

MR. PRESIDENT: The Committee on Public Lands has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 35, An Act to transfer to the office of the Land Commissioner all State land records, all levy land records, and all other land records, except assessment rolls now in the Auditor's office, and to repeal Sections 3815, 3837, 3850, 3853, 3854, 3855, 3858, 3859, 3861, 3857, 3863, 3864, 3865 and 3866 of the Annotated Code of 1892.

And recommend the same do pass as amended, title sufficient.

NEWNAN CAYCE, *Chairman.*

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 54, An Act to amend the charter of the town of Rosedale so as to authorize the Mayor and Town Council of said town to issue upon certain conditions the bonds or other obligations of said town, not to exceed in amount, including all outstanding bonds, seven per centum of the assessed value of the taxable property of said town, as shown by the assessment rolls thereof, for the purpose of raising money for the purchase of land and erection of school buildings thereon, for the erection, providing or purchasing of waterworks, the sinking of artesian wells, the establishment of a sewerage system, securing protection from fire, improving the streets and sidewalks or for the liquidation of outstanding debts of said town.

Title sufficient; that bill do pass, for in the opinion of your committee the relief sought can not be given by the court nor advantageously provided for under the provisions of any general law.

VENTRESS, *Chairman.*

Mr. Moore obtained consent to a suspension of the rules for the introduction of S. C. R. No. 14, as follows:

CONCURRENT RESOLUTION.

WHEREAS, We are advised that Mrs. Varina Davis, the widow of our late beloved and illustrious chieftain, Jefferson Davis, will visit the city of Jackson within the next few days, and that she has expressed a desire to meet the Legislature which is the last to ever assemble in the historic building in which many of the most conspicuous triumphs of Mississippi's most distinguished sons were achieved; therefore, be it

Resolved by the Senate, the House of Representatives concurring therein, That a committee of five upon the part of the Senate and ——— upon the part of the House, be appointed to extend to Mrs. Davis, in behalf of the Legislature, a cordial invitation to visit us and to receive and escort her into the legislative halls.

On motion of Mr. Moore the resolution was adopted, and the Chair announced as the said committee provided for on the part of the Senate Messrs. Noel, Moore, Cayce, Bailey and Falkner.

Mr. Bailey in the chair.

Mr. Evans obtained consent to introduce, under a suspension of the rules, the following resolution, viz.:

JOINT RESOLUTION.

Be it resolved by the Senate, the House concurring, That the old Capitol grounds and building shall not be sold, but should be retained by the State to be used as a State hospital.

On motion of Mr. Gardner the resolution was tabled.

Mr. Evans entered a motion to reconsider the vote whereby the resolution was tabled.

Mr. Moore in the chair.

The courtesies of the Senate were extended to Mr. John M. Fletcher of Attala, and Hon. W. K. McLaurin of Warren.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the unfinished business, being the adoption of Mr. Adams' substitute for Mr. Campbell's amendment to paragraph 1 as amended of S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892, relative to salaries, and also an Act to amend said section of said Code so far as same relates to the salary of Governor's private secretary, etc., being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of the Governor from thirty-five hundred to five thousand dollars, and the salaries of each of the Supreme Judges from thirty-five hundred to five thousand dollars, which said substitute and amendment were set out in yesterday's journal.

Mr. Bradley moved the adoption of the substitute offered by Mr. Adams, which motion was lost.

Mr. Campbell moved the adoption of his amendment offered on yesterday to this item.

Mr. Evans moved to table, which motion was lost by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Cayce, Clinton, Dent of Fourth District, Dulaney, Evans, Falkner, Gardner, George, Heard, Martin, Moore, Shelton, Sheppard—Total 17.

Nays—Messrs. Broyles, Campbell, Chrisman, Cooper, Crawford, Dunn, Farley, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Yarbrough, Young—Total 23.

Absent and those not voting—Messrs. Dent of the Sixteenth District, Kiger, Lee, Wharton and Wilson—Total 5.

Thereupon on motion Mr. Campbell's amendment was adopted.

On motion of Mr. Bradley paragraph 1, as amended, was adopted.

To paragraph 2, relating to salary of Supreme Judges, Mr. Hinton offered the following amendment, viz.:

Amend by striking out the words "five thousand" and insert in lieu thereof "four thousand."

Mr. McGehee offered as a substitute for Mr. Hinton's amendment that the salary of the Supreme Court Judges be fixed at forty-five hundred dollars.

Mr. Evans moved to table the substitute, which motion was lost.

On motion of Mr. Clinton Mr. McGehee's substitute was adopted by the following vote, viz.:

Yeas—Messrs. Abbay Adams, Bradley, Broyles, Cayce, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Gardner, Heard, Hicks, Hughes, Martin, McGehee, Moore, Noel, Rowan, Shelton, Ventress—Total 23.

Nays—Messrs. Bailey, Campbell, Chrisman, Cooper, Crawford, Farley, Hinton, Jones, Key, Looney, Sanders, Sharborough, Taylor, Yarbrough, Young—Total 15.

Absent and those not voting—Messrs. George, Kiger, Lee, Seawright, Sheppard, Wharton and Wilson—Total 7.

On motion of Mr. Clinton the paragraph as amended was adopted.

To paragraphs 3 and 4, relating to salaries of Circuit Judges and Chancellors, Mr. Dunn severally offered amendments proposing to strike out the items as they appear in the bill relating to the said salary, and insert in lieu thereof as the salaries of said Circuit Judges and Chancellors, \$3,000.

On motion of Mr. Sharborough and Mr. Clinton the said amendments were respectively tabled.

Whereupon the said sections were severally adopted.

On motion paragraphs 5 to 12 inclusive were severally adopted.

To paragraphs 13 and 14 Mr. Gardner offered the following amendment, viz.:

Amend by adding after "to the Treasurer of the State the sum of twenty-five hundred dollars," the following: "to the general clerk in the State Treasurer's office provided by law the sum of two thousand dollars; and to the bookkeeper in said Treasurer's office, provided for by law, the sum of twelve hundred dollars."

On motion of Mr. Hughes the same was tabled.

Whereupon, on motion, paragraphs 13 and 14 were severally adopted.

On motions paragraphs 15 to 19 inclusive were severally adopted.

To paragraph 20, relating to salary of State Librarian, Mr. Falkner offered the following amendment, viz.:

Amend by striking out "\$1,080" and insert in lieu thereof "\$2,000," to take effect from and after the passage of this act.

Mr. Jones offered the following amendment to Mr. Falkner's amendment, viz.:

Amend by striking out "\$2,000" and insert in lieu thereof "\$1,500."

On motion of Mr. Jones the amendment was adopted.

Whereupon the amendment as amended was adopted, and paragraph 20 as amended was adopted.

Paragraphs 21 to 25 inclusive were, on motions, severally adopted.

Section 2, being the enforcing clause, on motion of Mr. Clinton, was amended so as to read as follows, viz.:

SEC. 2. That this act take effect and be in force from and after its passage, except as to the Governor and the Judges of the Supreme Court, and as to them it shall take effect and be in force as to each of said offices respectively upon the commencement of a new term of each of said offices respectively.

Thereupon, on motion of Mr. Bradley, the bill as amended was considered engrossed, read a third time, and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Broyles, Cayce, Clinton, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Heard, Hicks, Hughes, Martin, McGehee, Moore, Noel, Rowan, Shelton, Sheppard, Taylor, Yarbrough—Total 25.

Nays — Messrs. Bailey, Campbell, Chrisman, Cooper, Crawford, Dent of Sixteenth District, Farley, Hinton, Jones, Key, Looney, Sanders, Seawright, Sharborough, Young—Total 15.

Absent and those not voting—Messrs. Kiger, Lee, Ventress, Wharton and Wilson—Total 5.

Title standing as stated.

On motion of Mr. Bradley the Secretary was authorized to transmit the foregoing bill to the House immediately.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 5, 1902.

To the Senate.

GENTLEMEN: I herewith return S. B. No. 94, An Act to be entitled An Act to abolish the office of cotton tax collector in the Mississippi Levee District and to provide for the collection of the cotton tax, and beg to submit herewith the following statement of facts:

The said bill appears on its face to have been passed by the Legislature at its session in the year 1894 and to have been signed by the President of the Senate and the Speaker of the House of Representatives respectively, and presented to the Governor near the close of the session of the Legislature. Since the adjournment of the last session of your honorable body, and during the latter part of the year 1901, the said bill was found in one of the cabinet drawers of the Governor's office without the signature or approval of the Governor affixed thereto. Investigation disclosed that the said bill was not printed either in the Acts of the Legislature of 1894 or subsequently in the Acts of 1896.

I deem it my duty, therefore, to refer the bill to your honorable body and to submit to you the subject-matter therein contained for such action and disposition thereof as your wisdom suggests.

Respectfully,

A. H. LONGINO, *Governor.*

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 7, 1902.

To the Legislature of Mississippi.

GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following subjects, to-wit:

An Act to appropriate money to aid the city of Jackson in paving Capitol and State Streets in front of the State Capitol and the Governor's mansion.

An Act to authorize the Board of Supervisors of Oktibbeha County to lend surplus funds in the treasury of said county upon such securities as the Legislature may require.

An Act to better provide for the disposition of escheated estates.

An Act making an appropriation for a geological survey of the State under the direction and supervision of the State University and the Agricultural and Mechanical College in such manner as the Legislature in its wisdom may see proper to provide.

Respectfully,

A. H. LONGINO, *Governor.*

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 5, 1902.

To the Senate.

GENTLEMEN: I have the honor to submit for your consideration and such action as your wisdom may approve the following subjects, to-wit:

An Act to amend Section 2912 of the Annotated Code of 1892, relative to the limits and boundaries of municipalities.

An Act to confer on the Board of Mayor and Aldermen and Mayor and Councilmen of the several cities, towns and villages of this State power to pass ordinances providing for the punishment of all acts which are offenses against the laws of this State, and punishment thereunder, when convicted within the corporate limits of such cities, towns and villages.

An Act to authorize Boards of Supervisors to hire laborers to work on county farms being worked by convicts in certain cases of necessity.

An Act to authorize the Board of Supervisors of Yazoo County to transfer from the special road fund of said county to the general fund of said county the sum of \$6,461.39.

An Act to authorize the Board of Supervisors of Simpson County to invest its court house and jail fund.

An Act to authorize the Board of Supervisors of Leflore County to pay back to the Sixteenth Section funds money arising therefrom and used in the common school fund.

An Act to validate contracts void for the non-payment of the required privilege tax in certain states of cases.

An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County.

An Act to amend Section 4043 of the Code of 1892 so as to permit County School Boards to open winter schools earlier than the first Monday in November and summer schools earlier than the first Monday in May.

An Act to authorize and empower the Board of Supervisors of Tippah County to loan the Sixteenth Section or Chickasaw school fund to the common school fund, to the common county fund at an annual rate per cent interest to be fixed by said Board.

An Act to amend Section 1300 of the Annotated Code of 1892 in regard to injury to telegraph lines, so as to make the provisions of said section apply to telephone lines.

Respectfully,

A. H. LONGINO, *Governor.*

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 3, 1902.

MR. PRESIDENT: I am directed by his Excellency the Governor to inform the Senate that S. B. No. 114, An Act to authorize the

confirmation or lease to Sixteenth Sections, or school lands, in cases where the same were legally made, and where the records failed to show that fact, and to repay the outlay of such purchases in certain cases, has become a law by the operation of Section 72 of the State Constitution.

Respectfully,

J. J. COMAN, *Private Secretary*.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 6, 1902.

MR. PRESIDENT: I am directed by his Excellency, the Governor, to inform the Senate that he has this day approved, S. B. No. 50, An Act to cure defects in the issuance of certain bonds in the town of Oxford.

Very respectfully,

J. J. COMAN, *Private Secretary*.

HOUSE MESSAGE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has adopted the Senate Concurrent Resolution No. 13, extending an invitation to Mrs. Jefferson Davis to visit the Legislature and providing a joint committee for her reception, and has named as members of the committee on part of the House Messrs. Brooks, Owen, Neill, Cock and Moore.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

S. B. No. 44, To be entitled An Act to regulate the fishing and canning of oysters in the State of Mississippi, and improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90 of the Laws of 1898.

H. B. No. 16, To be entitled An Act to amend Chapter 32 of the Acts of 1898, so as to provide for the enumeration of the educable children of the State in the year 1902, and every four years thereafter.

And has concurred in Senate amendment to House Bill No. 37, To be entitled An Act to make appropriation to defray the expenses of the Institute for the Blind and for other purposes.

And has also passed House Bill No. 97, To be entitled an Act to transfer from the Auditor's office and Land Commissioner's office to the office of the clerks of the Chancery Courts of the proper counties all deeds made by the tax collector to the Board of Commissioners to liquidate outstanding liabilities incurred for levee purposes prior to first day of January, 1862, and its successors.

L. PINK SMITH *Clerk*.

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the calendar were read twice, under a suspension of the rules, and referred to committees as follows, viz.:

H. B. No. 16, An Act to amend Chapter 32 of the Acts of 1898, so as to provide for the enumeration of the educable children of the State in the year 1902, and every four years thereafter.

To Education.

H. B. No. 97, An Act to transfer from the Auditor's office and Land Commissioner's office to the offices of the clerk of the Chancery Court of the proper counties all deeds made by the tax collectors to the Board of Commissioners to liquidate outstanding liabilities incurred for levee purposes prior to first day of January, 1862, and its successors.

To Judiciary.

Mr. George obtained consent to introduce, under a suspension of the rules, S. J. R. No. 3, memorializing the Congress of the United States to appropriate money to deepen and complete the Ship Island Harbor.

On motion of Mr. George the rules were suspended and the resolution adopted.

Leave of absence from day to day was granted Messrs. Cooper, Shelton and Clinton.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being S. B. No. 1, An Act to repeal all of Chapter 105 relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations for State, District, county district and county officers to be made by primary election.

Mr. Bradley moved that this bill be made the special order for 10 o'clock Monday morning next.

Mr. Dunn moved as a substitute that it be made the special order for to-morrow morning at 10 o'clock.

Mr. Bradley moved to table the substitute, which motion was lost.

The vote recurring on Mr. Bradley's motion, the same being the longest time, the same prevailed.

SECOND SPECIAL ORDER.

The Senate proceeded to the consideration of the second special order, being H. B. No. 28, An Act to make an appropriation to defray the expenses of the State Insane Hospital for the years 1902 and 1903.

On motion of Mr. Yarbrough the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Yarbrough, Young—Total 39.

Absent and those not voting—Messrs. Clinton, Kiger, Lee, Ventress, Wharton and Wilson—Total 6.

Title standing as stated.

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 6, 1902.

To the Senate.

GENTLEMEN: I return herewith Senate Bill No. 5, "An Act to appropriate money for the support of the Industrial Institute and College at Columbus, for the addition of certain departments thereto, for the establishment of certain departments, to provide for elevators and to provide for the erection of an industrial hall and laundry, and for the remodeling of the chapel building, and for the repair and equipment of the buildings of said institution during the years 1902 and 1903, and to provide for payment of same."

I have the honor to say that I approve all of said bill except that portion thereof which relates to the appropriation of the interest accrued in 1901 and to accrue from the State to the Industrial Institute and College on account of the funds resulting from the sale of the college lands, but that I withhold my approval from that portion of the bill relating to the appropriation of said interest for the following reasons, to-wit:

The said bill requires the payment of the interest quarterly, and is in violation of Section 212 of the Constitution of the State, which says "the distribution of said interest shall be made semi-annually on the first day of May and November of each year."

The bill designates specifically and by items the maximum sums appropriated for support and improvements during the years 1902 and 1903 respectively as follows:

Salaries for 1902	\$34,910 00
Erection and equipment of industrial hall.....	20,000 00
For laundry	5,000 00
Steam heating and plumbing.....	5,000 00
Remodeling chapel	5,000 00
Catalogues, trustees' meetings and elevators.....	3,000 00
Library	2,500 00
Fire escapes	1,700 00

And for the year 1903 \$34,910 for salaries, and \$1,000 for trustees' meetings and catalogues, aggregating for the specific

purposes named \$114,020. It will be seen that no other item of expenditure is authorized by the bill, and that the improvements named are to be made during the year 1902, and fully provided for in said specific appropriation. Notwithstanding the fact the bill has specifically named all the items or subjects upon which the money thus appropriated may be expended, it nevertheless appropriates out of the State treasury the interest accrued in 1902 and to accrue for the years 1902 and 1903 respectively, on the money held by the State in trust for the college, resulting from the sale of lands donated by Congress to the State of Mississippi for the use of said college, aggregating by calculation to the sum of \$9,389.32 annually, without directing in any manner how or wherein said interest shall be expended, but leaving said money to be used by the Board of Trustees without limitation or restriction. In short, the bill utterly fails to disclose any legislative direction or intent as to the uses or purposes for which this money may be expended by the Board of Trustees of said college. While the said interest as it accrues will represent an indebtedness due by the State to the college, I am nevertheless of the opinion that the State through its Legislature, and not the Board of Trustees, is required by law to direct the uses to which said interest should be applied the same as all other appropriations made by it.

The appropriation of money in the treasury by the Legislature for indefinite or indiscriminate expenditure by any official, agent, institution or department of the government is an unsafe precedent, and in my opinion contrary to public policy, and this is none the less true because, perchance there may be found legislative precedent along the line followed in this bill.

The objections here made to said bill can be remedied by supplemental bill covering the said subject-matter if in the judgment of the Legislature it is the proper thing to do.

I may be permitted to suggest in this connection that though the State has had in its treasury for the past two years a surplus of funds over and above what was needed for the purposes of the State government, it is easy to be seen that such fortunate conditions could not long be enjoyed by the people if, as is done in this bill, money should be appropriated to be expended at the will of other institutions or by officials or agents of the State in the various departments of the government.

Respectfully,

A. H. LONGINO, *Governor.*

Mr. Moore called up the veto message of the Governor, returning S. B. No. 5, An Act to appropriate money to defray the expenses of the I. I. & C., at Columbus, etc., above set out, and moved that the said veto be sustained, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner,

George, Heard, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Yarbrough, Young—Total 37.

Absent and those not voting—Messrs. Bradley, Broyles, Clinton, Kiger, Lee, Ventress, Wharton and Wilson—Total 8.

PERSONAL PRIVILEGE.

Mr. Sheppard arose to a question of personal privilege and stated that he desired the journal to show that inasmuch as he, on a former day, opposed the passage of a bill providing for the assessment of lands in the State of Mississippi in the year 1902 for the reason that this bill would considerably increase the taxes of the people of the district he represents, being apprised that a bill providing for the enumeration of the educable children of the State had passed the House, and believing that it is meritorious and that it will also pass the Senate, his district would secure an increased amount from the school fund, more than sufficient to offset the increased taxation which the assessment bill would entail, and in view of this fact he desired to withdraw all objection to the said bill providing for the said reassessment.

INTRODUCTION OF BILLS.

The following bills were introduced, read twice, under a suspension of the rules, and referred to committees as follows, viz.:

By Mr. Taylor—

S. B. No. 63, An Act to authorize Boards of Supervisors to hire laborers to work on county farms being worked by convicts, in certain cases of necessity.

To County Affairs.

By Mr. Moore—

S. B. No. 64, An Act to appropriate money to pay interest accrued and to accrue to November 1, 1903, upon the fund deposited in the State Treasury, as proceeds of lands sold, such lands having been donated by the United States Government to the Industrial Institute and College at Columbus, and to prescribe purposes for which such interest may be used by the Trustees of said Institute and College.

To Finance.

By Mr. Clinton—

S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired and also a part of its own line in Leflore County.

To Railroads.

By Mr. Gardner—

S. B. No. 66, An Act to amend Section 1714 of the Annotated Code of 1892, relative to costs in proceedings to establish escheats,

so as to provide for the allowance and payment of commissions and attorney's fees in such proceedings and for the payment of costs in cases in which the personal estate is insufficient.

To Judiciary.

By Mr. Bradley—

S. B. No. 67, An Act to appropriate money for the completion and furnishing of the new State House, for beautifying the grounds thereof and for the removal of the State's official archives and property to the new State House.

To Public Works.

Mr. Gardner called up S. B. No. 58, An Act to provide for the appointment of an Assistant Attorney General, and to prescribe his qualifications, duties and compensation.

On motion of Mr. Gardner the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Campbell, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Heard, Hicks, Hughes, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Shelton, Sheppard, Taylor, Ventress, Yarbrough, Young—Total 29.

Nays—Messrs. Bailey, Broyles, Chrisman, Farley, Hinton, Jones—Total 6.

Absent and those not voting—Messrs. Cayce, Clinton, Cooper, Dent of the Fourth District, Kiger, Lee, Seawright, Sharborough, Wharton and Wilson—Total 10.

Title standing as stated.

On motion of Mr. Gardner the Secretary was authorized to transmit the foregoing bill to the House immediately.

Mr. Moore called up the motion heretofore entered to reconsider the vote whereby S. B. No. 26, An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties, and to provide for its maintenance, and for the issuance of future publications of the Mississippi Historical Society, heretofore failed to pass the Senate, and moved that the same be reconsidered, which motion prevailed.

On motion of Mr. Moore the bill was made the special order for 10 o'clock to-morrow morning.

Mr. Campbell called up H. B. No. 42, An Act to raise revenue by making valid and of binding effect all contracts made previous to the passage of this Act, and subsequent to March 1, 1900, which are or were null and void or voidable under previous or existing laws, because of non-payment of privilege taxes due when such contracts were made, upon terms of full payment of all such privilege taxes so in default, with two hundred per centum damages thereon, within sixty days after the passage of this act.

Mr. Campbell moved the adoption of a substitute for the entire bill, prepared by himself.

Pending consideration of which on motion of Mr. Hinton, the

Senate, at 1.20 P. M., adjourned until 9.30 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

TWENTY-FOURTH DAY.

SATURDAY, February 8, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 34.

Absent — Messrs. Clinton, Cooper, Evans, Gardner, Heard, Kiger, Lee, McGehee, Shelton, Ventress and Wharton—Total 11.

On motion of Mr. Hughes the reading of the journal of yesterday was dispensed with, and the same stood approved.

Under a suspension of the rules Mr. Moore called up S. B. No. 54, An Act to amend the charter of the town of Rosedale so as to authorize the Mayor and Town Council of said town to issue upon certain conditions the bonds or other obligations of said town, not to exceed in amount, including all outstanding bonds, seven per centum of the assessed value of the taxable property of said town, as shown by the assessment rolls thereof, for the purpose of raising money for the purchase of land and erection of school buildings thereon, for the erection, providing or purchase of waterworks, the sinking of artesian wells, the establishment of a sewerage system, securing protection from fires, improving the streets and sidewalks, or for the liquidation of outstanding debts of said town.

On motion of Mr. Moore the bill was considered engrossed, read a third time, and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Broyles, Cayce, Crawford, Dent of Sixteenth District, Dulaney, Falkner, George, Hicks, Hinton, Hughes, Jones, Key, Looney, Moore, Rowan, Sharborough, Sheppard, Taylor, Wilson, Young—Total 22.

Nays—Messrs. Campbell and Chrisman—Total 2.

Absent and those not voting—Messrs. Adams, Bradley, Clinton, Cooper, Dent of the Fourth District, Dunn, Evans, Farley,

Gardner, Heard, Kiger, Lee, Martin, McGehee, Noel, Sanders, Seawright, Shelton, Ventress, Wharton and Yarbrough—Total 21.

Title standing as stated.

Mr. Moore called up under a suspension of the rules, S. B. No. 55, An Act to make an appropriation for payment of salaries of special Judges and Chancellors.

On motion of Mr. Moore the rules were suspended, the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Hicks, Hinton, Jones, Key, Looney, Moore, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Young—Total 27.

Absent and those not voting — Messrs. Bradley, Clinton, Cooper, Crawford, Evans, Gardner, Heard, Hughes, Kiger, Lee, Martin, McGehee, Noel, Shelton, Ventress, Wharton, Wilson and Yarbrough—Total 18.

Title standing as stated.

Mr. George called up from the table his resolution limiting debate to five minutes, etc., and moved its adoption.

Mr. Campbell moved to amend by striking out "five minutes" and inserting in lieu thereof "seven minutes," which motion prevailed.

Whereupon the resolution, as amended, was adopted.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bills referred to it, and has instructed me to report them back with the following recommendations:

S. B. No. 35, An Act concerning banks and banking.

Title sufficient; bill do not pass.

H. B. No. 97, An Act to transfer from the Auditor's office and Land Commissioner's office to the offices of the Clerks of the Chancery Court of the proper counties all deeds made by the tax collectors to the Board of Commissioners to liquidate outstanding liabilities incurred for levy purposes prior to first day of January, 1862, and its successors.

Title sufficient; bill do pass.

S. C. Res. No. 3, To amend the Constitution of the State of Mississippi so as to make the Judiciary elective.

This matter having been referred to the committee for report as to whether or not said proposed amendment can be submitted at this, a special session of the Legislature, without a recommendation from the Governor authorizing the Legislature to propose the same for submission to the people, your committee is of the opinion that proposed Constitutional amendments may be submitted

by the Legislature at a special session thereof without authority from the Governor so to do.

R. B. CAMPBELL, *Acting Chairman*.

Report of Committee on Penitentiary and Prisons:

MR. PRESIDENT: The Committee on Penitentiary and Prisons has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 37, An Act to amend Section 3182 of the Code of 1892 so as to require appraisers' inventory to be made on January 1st each year, and clerk's books to be balanced from same.

Do pass as amended; title sufficient.

S. B. No. 38, An Act to classify the State convicts and fix values on labor of same.

Title sufficient; bill do pass.

S. B. No. 39, An Act to amend Section 3119, Code of 1892, so as to include grade or class number for convicts.

Title sufficient; bill do pass.

S. B. No. 40, An Act to amend Section 3182, Code of 1892, so as to strike out the names of the Governor and Attorney General as officers of the Board of Control.

Title sufficient; bill do pass.

G. E. WILSON, *Chairman*.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

H. B. No. 82, An Act to provide for the protection of the property of the State at the Capitol from damage or destruction by fire, and the appropriation of one thousand dollars for the years 1902 and 1903 for same.

Title sufficient; do pass.

H. B. No. 43, An Act to further carry into effect the contract made under Chapter 385, Acts of 1888, being an Act to better secure safety and health in the State institutions, etc., approved March 10, 1888, and to defray the expenses thereof.

Title sufficient; do pass.

H. B. No. 48, An Act making an appropriation for the support, repairs, additional buildings, improvements and equipment of the Mississippi Agricultural and Mechanical College.

Title sufficient; do pass as amended.

H. B. No. 49, An Act for the support and maintenance of the State Normal School at Holly Springs.

Title sufficient; do pass.

H. B. No. 53, An Act to amend Section 2348 of the Code of 1892, fixing the legal contract rate of interest at eight per centum per annum.

Title sufficient; do not pass.

S. B. No. 64, An Act to appropriate money to pay interest accrued and to accrue to November 1, 1903, upon the fund deposited in the State Treasury as proceeds of lands sold, such lands having been donated by the United States Government to the Industrial Institute and College at Columbus, and to prescribe purposes for which such interest may be used by the Trustees of said Institute and College.

Title sufficient; do pass.

H. B. No. 70, An Act to appropriate from the pension funds returned to the treasury money to pay pensions to those whose applications were received after the distribution had been made to the counties by the Auditor.

Title sufficient; do pass.

BRADLEY, *Chairman*.

Report of Committee on County Affairs:

MR. PRESIDENT: The Committee on County Affairs has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 63, An Act to authorize Boards of Supervisors to hire laborers to work on county farms being worked by convicts, in certain cases of necessity.

Title sufficient; that bill do pass.

GEORGE, *Chairman*.

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 43, An Act to make an appropriation to pay Mrs. D. W. Hurst, widow of D. W. Hurst, for services rendered by D. W. Hurst as Judge of High Court of Errors and Appeals of this State from the 1st day of April, 1865, to the 13th day of July, 1865, inclusive.

S. B. No. 51, An Act to authorize the Board of Mayor and Aldermen of the city of Natchez to issue bonds for the purpose of purchasing the waterworks and sewerage system owned and operated in said city by the Natchez Waterworks and Sewer Co.

H. B. No. 5, An Act for the relief of Wade Polk, Tax Assessor of Lawrence County.

H. B. No. 44, An Act to pay for the legal services rendered the State in the suit of Warren County et al. vs. E. H. Nall, Land Commissioner.

H. B. No. 83, An Act for the relief of W. T. Gwin, ex-tax assessor of Webster County, so as to compensate him for assessing the taxes for the year 1899, for which he received no compensation from the State.

H. B. No. 86, An Act to make an appropriation to pay A. W. Jones, of Prentiss County, balance on pension due him for the year 1899.

H. B. No. 98, An Act to authorize the city of West Point, Mississippi, to issue and negotiate bonds for the purpose of enlarging and equipping the public school building of said city of West Point.

Your committee report that their titles are sufficient and recommend that said bills do pass, for in the opinion of your committee the relief sought by said bills can not be given through the courts nor advantageously provided for under general laws.

VENTRESS, *Chairman*.

Report of Committee on Engrossed Bills:

MR. PRESIDENT: The Committee on Engrossed Bills has had under consideration the following bill referred to them, and have instructed me to report back that the same has been correctly engrossed:

S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892 relative to salaries, and also an Act to amend said section of said Code so far as same relates to the salary of Governor's private secretary, etc., being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of the Governor from thirty-five hundred to five thousand dollars, and the salary of each of the Supreme Judges from thirty-five hundred to five thousand dollars.

MARTIN, *Chairman*.

Report of the Judiciary Committee:

MR. PRESIDENT: The Judiciary Committee, to whom was referred that part of the Governor's message relating to the question of the retirement of the bond issue of 1896, \$400,000, respectfully report:

Our State, represented by the Legislature and an approving Governor, on March 18, 1896, authorized and directed the Treasurer and Secretary of State to sign bonds aggregating \$400,000, bonds to be issued by the Governor, Attorney General and Treasurer to the highest bidder. The proceeds, after payment of expense, to be covered into the treasury to the credit of the general fund, reserving to the State the right to retire the bonds after five years. In 1898 and 1900 the State, represented by the Legislature and an approving Governor, made appropriations for payment of interest on the bonds, extending through the year 1901. Shortly before the expiration of the five years a proclamation was issued

by the Governor commanding the holders of bonds to present them to the Treasurer for payment, under penalty of forfeiture of all subsequent interest. Pursuant to this proclamation all of the bonds issued, except \$——— were surrendered to the Treasurer and paid for out of money never appropriated by the Legislature.

The State then had more money than was required for current expenditures. The Governor, to save the State six months' interest, animated solely by praiseworthy motives, directed this action.

The question is: Could the Governor alone, whose express powers under the act were solely those of one participant in the issue, lawfully exercise the function of fixing the date of the maturity of the bonds, and then have them paid out of money not legally appropriated for that or any other purpose? We are of the opinion that under our Constitution and laws, by clear implication, he had no such power. For this reason we think the retirement of the bonds, without express authority of law, and their payment without any appropriation made for that purpose, should, as a precedent, be disapproved.

It is an old adage, that in governmental affairs the purse and the sword should not be placed in the same hands. This necessary limitation is placed on Governors, the President, the King of England and the heads of all limited monarchies. At times such power might be beneficially exercised, but is susceptible of abuse, and is a menace to good government.

In scrupulous performance of its obligations, legally incurred, the State should occupy a high plane, setting an example to its citizenship. Right and reason alike dictate this course. After an Act of the Legislature of 1900, approved by the Governor, had provided money for the payment of the interest on the bonds by special appropriation, for the ensuing two years, and nothing for the principal, the holders of the bonds were justified in assuming that they would not be retired before this session of the Legislature. It may be, and doubtless is true, that those who did not present their bonds for payment, could find no other use for their money at that season of the year. These bondholders should not be permitted to suffer loss of interest on account of their reliance on a law of this State providing for the payment of interest and not of principal. The principal and interest of all bonds which were not surrendered should be paid now, and we recommend that such bonds be now retired and a suitable appropriation be made for that purpose.

R. B. CAMPBELL, *Acting Chairman.*

On motion of Mr. George the rules were suspended and S. B. No. 45, An Act to amend Section 3952 of the Annotated Code of Mississippi, 1892, so as to fix the salary of the Secretary of the Railroad Commission at the sum of fifteen hundred dollars, was taken up for consideration.

Mr. Farley offered the following amendment, viz.:

Amend by striking out "\$1,500" and inserting "\$1,200."

Mr. George moved to table the amendment, which motion prevailed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, George, Hicks, Hughes, Martin, Moore, Rowan, Sheppard, Wilson—Total 17.

Nays—Messrs. Bailey, Broyles, Campbell, Crawford, Farley, Hinton, Jones, Key, Looney, Noel, Sanders, Seawright, Sharborough, Taylor, Young—Total 15.

Absent and those not voting — Messrs. Bradley, Clinton, Cooper, Evans, Gardner, Heard, Kiger, Lee, McGehee, Shelton, Ventress, Wharton and Yarbrough—Total 13.

On motion of Mr. George the bill was considered engrossed, read a third time, and failed to pass by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, George, Hicks, Hughes, Martin, Moore, Rowan—Total 15.

Nays—Messrs. Bailey, Broyles, Campbell, Crawford, Farley, Hinton, Jones, Key, Looney, Noel, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Young—Total 17.

Absent and those not voting — Messrs. Bradley, Clinton, Cooper, Evans, Gardner, Heard, Kiger, Lee, McGehee, Shelton, Ventress, Wharton and Yarbrough—Total 13.

Mr. Sheppard entered a motion to reconsider the vote whereby the bill failed to pass.

Mr. Rowan called from the table S. J. R. No. 1, providing for the appointment of a joint committee to investigate the State Board of Health.

On motion of Mr. Abbay the resolution was ordered to lie on the table subject to call.

Mr. Chrisman obtained consent to call up under a suspension of the rules, for third reading and passage, H. B. No. 5, An Act for the relief of Wade Polk, Tax Assessor of Lawrence County, reported this morning.

On motion of Mr. Chrisman the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, George, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Wilson, Young—Total 31.

Absent and those not voting—Messrs. Clinton, Cooper, Evans, Falkner, Gardner, Heard, Kiger, Lee, McGehee, Shelton, Sheppard, Ventress, Wharton and Yarbrough—Total 14.

Title standing as stated.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 8, 1902.

To the Senate.

GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following subjects, to-wit:

An Act to empower the Board of Supervisors of Covington County to order an election for the purpose of submitting to the qualified electors of said county the question of the removal of the seat of justice.

An Act to authorize and empower the Mayor and Board of Aldermen of the city of Holly Springs, Mississippi, to loan annually on good and sufficient security the sinking fund provided by them for the payment of certain bonds issued to establish an electric light plant and waterworks system until the maturity thereof, or until they have the option of paying said bonds.

An Act to appropriate money for the completion and furnishing of the new State House, and for beautifying the grounds thereof, and for the removal of the State's officials, archives and property to the said new State House.

Respectfully,

A. H. LONGINO, *Chairman.*

HOUSE MESSAGE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

House Bill No. 23, To be entitled An Act to appropriate money for the relief of indigent soldiers, sailors, widows and servants of the war between the States.

L. PINK SMITH, *Clerk.*

On motion the foregoing bill just reported was read twice, under a suspension of the rules, and referred to the Finance Committee.

On motion of Mr. Bradley the President of the Senate was authorized to appoint Messrs. Adams and Martin as a special Senate Committee to act with the joint committee in receiving Mrs. Jefferson Davis.

Mr. Moore in the chair.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the unfinished business pending, being Mr. Campbell's amendment to H. B. No. 42, An Act to raise revenue by making valid and of binding effect all contracts made previous to the passage of this Act and subse-

quent to March 1, 1900, which are or were null and void, or voidable, under previous or existing laws because of non-payment of privilege taxes due when such contracts were made, upon terms of full payment of all such privilege taxes so in default, with two hundred per centum damages thereon, within sixty days after the passage of this act.

Mr. Dulaney moved to table Mr. Campbell's amendment, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Cayce, Crawford, Dent of Fourth District, Dulaney, Dunn, George, Hughes, Jones, Martin, Moore, Rowan, Sheppard, Yarbrough, Young—Total 18.

Nays—Messrs. Broyles, Campbell, Chrisman, Dent of Sixteenth District, Falkner, Farley, Hicks, Hinton, Key, Looney, Noel, Sanders, Seawright, Sharborough, Taylor, Wilson—Total 16.

Absent and those not voting—Messrs. Clinton, Cooper, Evans, Gardner, Heard, Kiger, Lee, McGehee, Shelton, Ventress and Wharton—Total 11.

Mr. Chrisman offered the following amendment, viz.:

Amend by inserting after the last line, Section 1, "provided this Act shall not affect pending suits."

Mr. Dunn offered as a substitute for Mr. Chrisman's amendment the following:

Amend Section 1 by adding at the end of said section the following:

"Provided, that in cases where such invalidity of contracts has been pleaded as a defense in any pending suit, the opposite party shall pay all costs accrued before such contract was invalidated by virtue of this act."

Mr. Chrisman moved to table the substitute, which motion was lost.

Mr. Chrisman moved to amend the substitute offered by Mr. Dunn by adding the following words: "and all attorney's fees."

Mr. Dulaney moved to table Mr. Chrisman's amendment, which motion prevailed.

Thereupon the substitute offered by Mr. Dunn was adopted.

Mr. Dunn moved to reconsider the vote whereby the first amendment, offered by Mr. Noel at a former day to this bill, to-wit: "to insert November 30, 1899, in lieu of the words March 1, 1900," was adopted, which motion prevailed.

Whereupon the said amendment was tabled.

Mr. Dunn moved a reconsideration of the vote whereby the second amendment, offered by Mr. Noel to the bill on the former day, heretofore set out, was adopted.

Mr. Looney in the chair.

Mr. Falkner moved to recommit the bill.

Mr. Dulaney moved to table the motion to recommit, which motion was lost.

Pending further consideration of the motion to recommit the Senate discontinued further action on said bill, and suspended the rules for the below mentioned matters out of order.

INTRODUCTION OF BILLS OUT OF ORDER.

Under a suspension of the rules the following bills were introduced, read twice, and referred to committees as follows:

By Mr. George—

S. B. No. 68, An Act to further provide for the management, maintenance and support of the penitentiary, to provide for the accounting of all receipts and disbursements thereof by the Auditor of Public Accounts, to require all moneys received on account of the penitentiary to be covered directly into the State Treasury, and to provide for the support of the penitentiary by appropriation from the general fund in the State Treasury.

To Penitentiary and Prisons.

By Mr. Dent of the Fourth District—

S. B. No. 69, An Act to authorize the Board of Supervisors of Simpson County to invest its court house and jail fund.

To Local and Private Legislation.

REPORTS OF SPECIAL COMMITTEE TO VISIT AND INVESTIGATE THE NEEDS OF THE NATCHEZ AND VICKSBURG CHARITY HOSPITAL.

To the Senate and House of Representatives of Mississippi.

We, your joint committee appointed to visit the hospital at Natchez for the purpose of investigating the condition and needs of that institution, beg leave to report that we found said hospital well kept and in splendid condition.

We desire to speak in most commendable terms of Dr. Brown for his excellent management of the affairs of said institution. The hospital is conducted on strict lines of economy, and at the same time the patients are given proper and careful attention.

In the opinion of your committee additional wards should be provided for the consumptives in said institution. These wards, so we are informed by Dr. Brown, can be provided by fitting up the garret in the hospital for the use of these patients.

Respectfully submitted,

J. T. SENTER, *Chairman.*

A. T. DENT, *Chairman Senate Committee.*

G. L. JONES, *Secretary Senate Committee.*

CHAS. CHRISMAN.

H. H. BROOKS.

ROBT. GAMBRELL.

A. MILLER, M. D.

J. M. EDDINS.

T. K. MAGEE, M. D.

A. M. DODDS, M. D.

To the Senate and House of Representatives of Mississippi.

We, your joint committee appointed to visit the Charity Hospital at Vicksburg, Mississippi, for the purpose of investigating the condition and needs of the same, most respectfully report as follows:

We arrived in Vicksburg on the night of January 31, 1902, and on the following day visited said hospital and inspected the same thoroughly.

We heard rumors as to the mismanagement of the institution and deemed it advisable to investigate said rumors, and employed a stenographer and proceeded to examine all witnesses whom we were informed could throw any light on the charges rumored in the city, and after two days' sitting were unable to procure any facts upon which we feel justified in preferring any charges ourselves.

The hospital wards were neat, the bedding clean and the inmates report that they are kindly treated and well cared for. The surgeon in charge appears to be efficient, energetic, and attentive to the needs of the institution. In the opinion of your committee the consumptive patients should be separated from patients with other diseases.

Your committee would recommend that no person or persons shall be allowed the benefits of the out-door clinics unless such person shall bring to the surgeon in charge a certificate from some reputable person stating that the party seeking such benefits is unable to pay for same. But this shall not apply to transient persons and persons living outside of Vicksburg.

The Confederate Veteran Annex is very comfortable and neatly furnished.

There were eight inmates, all of whom say that they are well treated and nursed. The only complaint which came to the knowledge of your committee being that their meals were often cold when brought to them, which is accounted for by the fact that the cooking is all done in the hospital kitchen, which is some distance from the Annex.

Respectfully submitted,
A. T. DENT, *Chairman Senate Committee.*
A. MILLER, M. D.
CHAS. CHRISMAN.
ROBT. GAMBRELL.
J. M. EDDINS.
F. M. SHEPPARD.
A. M. DODDS, M. D.

On motion of Mr. Bradley the foregoing reports were adopted and the committee discharged.

The following resolution, offered by Mr. Dent of the Sixteenth District, was on motion adopted, viz.:

Resolved, That the following expense bill be allowed to the parties therein named to reimburse them for the actual expense

paid by them on their visit to Natchez and Vicksburg to inspect the hospitals at these places, by direction of the Senate, and the Secretary is hereby directed to issue warrants on the Senate legislative contingent fund as follows:

J. H. McGehee	\$17 80
G. L. Jones	13 80
Charles Chrisman	19 30
A. T. Dent	17 30
L. C. Dulaney	3 35
B. C. Adams	3 35
Stenographer's fee	6 00
Hack for sub. com. (McGehee)	2 00
F. M. Sheppard	4 60

On motion of Mr. Chrisman the Senate, at 1.20 P. M., adjourned until 9.30 Monday morning next.

JOHN Y. MURRY, JR., *Secretary*.

TWENTY-FIFTH DAY.

MONDAY, February 10, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called the following Senators answered to their names:

Present—Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Hicks, Hinton, Hughes, Key, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 32.

Absent—Messrs. Adams, Clinton, Cooper, Evans, Gardner, Heard, Jones, Kiger, Lee, McGehee, Shelton, Ventress and Wharton—Total 13.

On motion of Mr. Dunn the reading of the journal of Saturday was dispensed with and same stood approved.

Leave of absence from day to day was granted to Mr. McGehee.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of unfinished business, being H. B. No. 42, as amended, An Act to raise revenue by making valid and of binding effect all contracts made previous to the passage of this act and subsequent to March 1, 1900, which are or were null and void or voidable under previous or existing

laws because of non-payment of privilege taxes due when such contracts were made, upon terms of full payment of all such privilege taxes so in default with two hundred per centum damages thereon, within sixty days after the passage of this act.

Mr. Dunn obtained consent to withdraw his motion to reconsider the vote whereby the second amendment, heretofore set out, was adopted.

On motion of Mr. Dunn, the vote whereby the Senate on a former day adopted amendment No. 3, offered by himself, was reconsidered and the same tabled.

Mr. Dunn moved that the bill as amended be read a third time and put on its final passage.

Mr. Chrisman moved that the bill be recommitted.

Mr. Dulaney moved to table the motion to recommit, which motion prevailed.

Mr. Moore called the previous question on the third reading and passage of the bill.

The call was sustained, whereupon the bill, as amended, was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Broyles, Cayce, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, George, Hicks, Hinton, Looney, Martin, Moore, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Yarbrough, Young—Total 23.

Nays—Messrs. Campbell, Chrisman, Wilson—Total 3.

Absent and those not voting—Messrs. Adams, Bradley, Clinton, Cooper, Evans, Falkner, Farley, Gardner, Heard, Hughes, Jones, Key, Kiger, Lee, McGehee, Seawright, Shelton, Ventress and Wharton—Total 19.

Title standing as amended.

PAIRS.

Mr. Key announced that he was paired on the passage of this bill with Mr. Adams; if present Mr. Adams would vote "aye," Mr. Key "nay."

Mr. Dunn moved to amend the title by striking out the words "subsequent to March 1, 1900," which motion was adopted.

Mr. Dunn moved to amend the title as amended by striking out the word "sixty," and insert in lieu thereof the word "ninety," which motion prevailed.

Whereupon the title as amended was adopted.

The Chair announced the appointment of Mr. Hicks on the Committee on Railroads, vice Hon. R. C. Lee, resigned.

REPORT OF STANDING COMMITTEE.

Report of Committee on Education:

MR. PRESIDENT: The Committee on Education has had under consideration the following bills referred to them, and have in-

structed me to report them back with the following recommendations:

S. B. No. 62, To establish a State Teacher's Training School for white teachers, and to make an appropriation for the same.

Title sufficient; do pass.

H. B. No. 16, An Act to amend Chapter 32 of the Acts of 1898, so as to provide for the enumeration of the educable children of the State in the year 1902 and every four years thereafter.

Title sufficient; bill do pass.

A. M. HICKS, *Chairman.*

On motion of Mr. Looney S. B. No. 62, just reported by Committee on Education, was recommitted to Finance Committee.

Mr. Martin obtained consent to call up, under a suspension of the rules, H. B. No. 97, An Act to transfer from the Auditor's office and Land Commissioner's office to the offices of the Clerks of the Chancery Court of the proper counties all deeds made by the tax collectors to the Board of Commissioners to liquidate outstanding liabilities incurred for levee purposes prior to 1st day of January, 1862, and its successors.

On motion of Mr. Martin the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, George, Hicks, Hinton, Key, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Yarbrough, Young—Total 27.

Absent and those not voting—Messrs. Adams, Bradley, Clinton, Cooper, Evans, Falkner, Farley, Gardner, Heard, Hughes, Jones, Kiger, Lee, McGehee, Shelton, Ventress, Wharton and Wilson—Total 18.

Title standing as stated.

HOUSE MESSAGE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 41, To be entitled An Act to appropriate money to defray the expenses of the legislative, executive and judicial departments of the State government and to pay interest on the State debt.

H. B. No. 80, To be entitled An Act making an appropriation for the payment of fees due Critz & Beckett for legal services rendered the State in injunction suit against the Railroad Commission.

H. B. No. 102; To be entitled An Act to empower the Board of Supervisors of Perry County to order an election for the purpose of submitting to the qualified electors of said county the removal of the seat of justice of the First District of said county.

H. B. No. 112, To be entitled An Act to appropriate money for the purpose of resupplying the wards of the State Charity Hospital at Vicksburg with beds and bed clothing.

S. B. No. 56, To be entitled An Act to empower the Board of Supervisors of Harrison County to order an election for the purpose of submitting to the qualified electors of said county the removal of the county seat of said county from Mississippi City to Gulfport.

L. PINK SMITH, *Clerk*.

Mr. Chrisman called up for third reading, under a suspension of the rules, S. C. R. No. 5, Concurrent Resolution submitting to the qualified electors of the State for ratification or rejection an amendment to the Constitution increasing the number of Supreme Court Judges.

On motion the substitute for the resolution proposed by the committee was adopted.

Whereupon the resolution, as amended, was read in full, and failed to pass its first day and reading by the following vote, viz.:

Yeas—Messrs. Abbay, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, George, Hicks, Looney, Martin, Moore, Noel, Rowan, Sanders, Sheppard, Young—Total 18.

Nays — Messrs. Bailey, Broyles, Dunn, Farley, Hinton, Hughes, Key, Seawright, Sharborough, Taylor, Yarbrough—Total 11.

Absent and those not voting—Messrs. Adams, Bradley, Clinton, Cooper, Evans, Falkner, Gardner, Heard, Jones, Kiger, Lee, McGehee, Shelton, Ventress, Wharton and Wilson—Total 16.

Mr. Dunn entered a motion to reconsider the vote whereby the same failed to secure the necessary majority.

Mr. Looney called up under a suspension of the rules, for third reading, H. B. No. 64, An Act making an appropriation to carry out the provisions of Chapter 76 of the Laws of the State of Mississippi of 1900, being an Act entitled An Act to enable the Auditor of Public Accounts and Land Commissioner of the State of Mississippi to properly conduct their respective offices and to correct mistakes in land descriptions and land sales, and provide relief in repayment of moneys erroneously paid in privileges and State taxes and land purchases, and to save the State cost in passing bills for relief by local and private legislation in certain cases.

The following amendment, offered by Mr. Campbell, was on motion adopted, viz.:

Amend the proviso to Section 1 so as to read as follows:

“Provided no portion of said amount shall be paid on account of any land obtained, or claim for money paid, under any patent or certificate heretofore issued by any Secretary of State of Mississippi.”

Whereupon the bill, as amended, was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, George, Hicks, Hinton, Hughes, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Yarbrough, Young — Total 29.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Evans, Falkner, Gardner, Heard, Jones, Key, Kiger, Lee, McGehee, Shelton, Ventress, Wharton and Wilson—Total 16.

Title standing as stated.

Mr. Sanders in the chair.

Mr. Seawright called up for consideration, under a suspension of the rules House Bill No. 83, An Act for the relief of W. T. Gwin, ex-tax assessor of Webster County, so as to compensate him for assessing the taxes for the year 1899, for which he received no compensation from the State.

On motion of Mr. Seawright the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Farley, Hicks, Hinton, Hughes, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Taylor, Wilson, Young—Total 25.

Nays—Mr. Chrisman—Total 1.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Dunn, Evans, Falkner, Gardner, George, Heard, Jones, Key, Kiger, Lee, McGehee, Sharborough, Shelton, Ventress, Wharton, and Yarbrough—Total 19.

Title standing as stated.

The courtesies of the Senate were extended to Hons. W. A. Henry of Yazoo, S. C. Cook of Coahoma, and B. A. Weaver and Col. A. S. Payne and Col. D. S. McClanahan of Lowndes.

INTRODUCTION OF BILLS OUT OF ORDER.

S. B. No. 70, An Act authorizing the Board of Supervisors of Attala County to loan fifteen thousand dollars from the general county fund to the school fund, was introduced by Mr. Sanders, read twice under a suspension of the rules, and referred to Committee on Local and Private Legislation.

On motion of Mr. George S. B. No. 53, An Act to amend Section 2348 of the Code of 1892, fixing the legal contract rate of interest at eight per cent per annum, was made the special order for 11 o'clock to-morrow morning.

Mr. Crawford called from the table S. C. R. No. 10, a concurrent resolution to amend Section 183 of the Constitution of the State of Mississippi, so that counties, Circuit Court Districts of counties, cities or towns may elect to take stock in or vote aid to railroads.

On motion of Mr. Crawford the resolution was read in full and passed its third day and reading by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dulaney, Farley, George, Hicks, Hinton, Martin, Moore, Noel, Rowan, Sharborough, Taylor, Yarbrough, Young—Total 21.

Nays—Messrs. Bradley, Dunn, and Hughes—Total 3.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Dent of the Sixteenth District, Evans, Falkner, Gardner, Heard, Jones, Key, Kiger, Lee, Looney, McGehee, Sanders, Seawright, Shelton, Sheppard, Ventress, Wharton and Wilson—Total 21.

Title standing as stated.

PAIRS.

Mr. Looney announced that he was paired on the passage of this resolution with Mr. Adams. If present Mr. Adams would vote "aye," Mr. Looney "nay."

SPECIAL ORDER.

S. B. No. 26, An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, and provide for its maintenance, etc., being the special order for this hour, was, on motion of Mr. Moore, tabled subject to call.

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the Calendar were read twice, under a suspension of the rules, and referred to committees as follows:

H. B. No. 41, An Act to appropriate money to defray the expenses of the Legislative, Executive and Judicial departments of the State government, and to pay interest on the State debt.

To Finance.

H. B. No. 80, An Act making an appropriation for the payment of fees due Critz & Becket for legal service rendered the State in injunction suits against the Railroad Commission.

To Local and Private Legislation.

H. B. No. 102, An Act to empower the Board of Supervisors of Perry County to order an election for the purpose of submitting to the qualified electors of said county the removal of the seat of justice of the First District of said county.

To Local and Private Legislation.

H. B. No. 112, An Act to appropriate money for the purpose of resupplying the wards of the State Charity Hospital at Vicksburg with beds and bed clothes.

To Finance.

Mr. Hinton in the chair.

S. B. No. 1, An Act to repeal all of Chapter 105 relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations for State, District, County District, and County officers to be made by primary elections, being the second special order for this hour, was proceeded with.

Mr. Farley moved that the bill be considered by Sections for amendment, but that no Section be finally adopted until all should have been considered, which motion prevailed.

Mr. Farley in the chair.

To Section 1, the following amendment, offered by Mr. Campbell, was adopted, viz.:

Amend Section 1 by adding after the word "books," in the twelfth line, the following: "And shall be subject to all the penalties to which county election commissioners are subject."

Mr. Rowan offered the following amendment to Section 2, viz.:

Amend by adding after "District," in the third line, the following: "And one from the county at large for chairman, who shall be chosen by the County Executive Committee."

On motion of Mr. Noel, the amendment was tabled.

To Section 3, the following amendment, proposed by Mr. Dent of the Sixteenth District, was adopted, viz.:

Amend by adding after the word "County," in the fourth line, the following: "Delegates shall be apportioned equally among the Supervisors' Districts of the County or."

For Section 5, Mr. Taylor offered the following substitute, viz.:

SEC. 5. That all nominations for all offices to be voted for in the general election, in November of any year, shall be made by primary election.

The first primary shall not be held earlier than the first day and not later than the tenth day of August, on a date to be fixed by the State Executive Committee, and the second primary shall be held three weeks after the date of the first primary; provided it becomes necessary, under the provisions of this Act to hold a second primary. Any candidate who receives a majority of the popular vote cast for the office for which he is a candidate, in the first primary, shall be the nominee of the party for such office. In case of a State, County, or of a District office, if no candidate receives a majority of such popular vote in the first primary, then, if the candidate who receives the highest popular vote for such office, receives a majority of the electoral vote, by giving to each county the same electoral vote that it has representation on the District Executive Committee, and by giving the electoral vote of the county to the candidate having the highest popular vote in the county, he shall be declared the nominee.

For those offices, if any, for which no candidate shall receive a majority, according to either of the methods above given, the two candidates who received the highest popular vote for each

office shall have their names submitted to a second primary election, and the nomination shall go to the candidate for each office who shall receive the highest popular vote therefor in the second primary.

Mr. Campbell moved to strike out from the substitute the first three lines, which motion prevailed.

Whereupon the substitute as amended was adopted.

Pending consideration of Section 10 the Senate, at 1 o'clock P. M., on motion of Mr. Dent of the Sixteenth District, took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 o'clock P. M. by President Harrison, a quorum being present.

The consideration of the matter pending at the hour of taking the recess this morning, viz., S. B. No. 1, the Act relating to primary meetings and elections, was proceeded with.

Mr. Jones in the chair.

The following amendment to Section 15, offered by Mr. Campbell, was on motion adopted, viz.:

Amend Section 15 so as to read as follows: "That all sections of Chapter 105 of the Annotated Code of 1892 from Section 3256 to Section 3273, both inclusive, be, and the same are hereby repealed."

Mr. George in the chair.

The following amendment, offered by Mr. Sharborough as a new section to be numbered Section 21, was adopted, viz.:

"That in an election for legislative, county and county district offices no second primary shall be held if all the candidates for any office agree in writing, filed with the Executive Committee beforehand, that the candidate receiving the plurality of the votes cast for any particular office shall be declared the nominee of the party."

The following amendment, offered by Mr. Dent of the Sixteenth District, to be new section numbered 22, was on motion adopted, viz.:

On the third Monday in July prior to any regular primary election under this act, the Commissioners of Election shall meet at the office of the registrar and carefully revise the registration books and the poll books of the several election districts, and shall erase therefrom the names of all persons erroneously thereon, or who have died, removed or become disqualified as electors for any cause, and shall register the names of all persons who have duly applied to be registered and have been illegally denied registration. And no person shall vote at such primary whose name was

not on the poll book when delivered to the managers of said primary election.

Mr. Rowan offered the following amendment to be numbered Section 23, viz.:

"All nominations for officers in cities and in incorporated towns shall be made in accordance with and in full compliance with the foregoing provisions of this act in so far as the same may apply."

On motion of Mr. George the same was tabled.

The following amendment, offered by Mr. Campbell, to be a new Section numbered 23, was on motion adopted:

"That so much of Section 3652 of the Code of 1892 and of other laws as is in conflict with the provisions of this act, be, and the same is hereby repealed."

Mr. Crawford offered the following amendment to be a new section, numbered 24, viz.:

"Where under the law a voter has the right to vote for two or more candidates and fails to vote for each position to be filled, then the ballot as to such office shall not be counted."

Mr. George offered the following substitute for the amendment of Mr. Crawford, viz.:

"Where under the law a voter has the right to vote for two or more candidates for same office and fails to vote for as many candidates as are to be nominated for such office, his vote for such office shall be counted."

Mr. Hinton moved to table the substitute, which motion prevailed.

Mr. Dunn moved to table Mr. Crawford's amendment, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Broyles, Cayce, Dent of Fourth District, Dulaney, Dunn, George, Hinton, Hughes, Key, Looney, Martin, Moore, Rowan, Sanders, Sharborough, Sheppard, Taylor, Wilson—Total 21.

Nays—Messrs. Campbell, Crawford, Dent of Sixteenth District, Farley, Hicks, Jones, Noel, Seawright, Yarbrough, Young—Total 10.

Absent and those not voting—Messrs. Adams, Chrisman, Clinton, Cooper, Evans, Falkner, Gardner, Heard, Kiger, Lee, McGehee, Shelton, Ventress and Wharton—Total 14.

Mr. Noel offered the following amendment, to be a new section, numbered 24, viz.:

"If any person shall originate or circulate, verbally or otherwise, any falsehood calculated or intended to help or hurt any candidate on the day of the election or during the preceding week, he shall be deemed guilty of a misdemeanor. Violations of this section shall be punished by a fine not exceeding \$500 nor less than \$10."

On motion of Mr. Dunn the same was tabled by the following vote, viz.:

Yeas—Messrs. Bailey, Broyles, Campbell, Cayce, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, George, Hicks, Hinton, Hughes, Key, Looney, Martin, Moore, Rowan, Seawright, Sharborough, Sheppard, Wilson—Total 21.

Nays—Messrs. Abbay, Bradley, Dulaney, Farley, Noel, Taylor, Yarbrough, Young—Total 8.

Absent and those not voting—Messrs. Adams, Chrisman, Clinton, Cooper, Evans, Falkner, Gardner, Heard, Jones, Kiger, Lee, McGehee, Sanders, Shelton, Ventress and Wharton—Total 16.

The following amendment, offered by Mr. Campbell to Section 16, was on motion adopted, viz. :

Amend Section 16 by striking out the word "under," in line 3, and inserting in lieu thereof the words, "in pursuance of," and by adding at the end of the first sentence of that section the following words, "and the election of any party nominee who shall be nominated otherwise than as provided by this act shall be void, and he shall not be entitled to hold the office to which he may have been elected."

Mr. Hughes called the previous question upon the passage of the bill as amended, which motion was lost.

Mr. Campbell moved to adopt the bill as amended section by section, which motion prevailed.

Mr. Hughes moved to adjourn, which motion was lost.

Thereupon Sections 1, 2, 3 and 4 of the bill were severally adopted.

Mr. Abbay moved to adjourn, which motion was lost.

Mr. Farley moved to reconsider the vote whereby Mr. Taylor's substitute for Section 5 was heretofore adopted.

On motion of Mr. Hughes the same was tabled.

Mr. Hughes moved to adjourn, which motion was lost.

Pending further consideration of Section 5 the rules were suspended and the courtesies of the Senate were ordered extended to Hons. Dan Scott and J. W. Cutrer of Coahoma, and F. A. Montgomery, Jr., of Tunica.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

Report of Committee on Railroads :

MR. PRESIDENT: The Committee on Railroads has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County.

Title sufficient; do pass.

L. C. DULANEY, *Chairman.*

At 6.15 P. M., on motion of Mr. Moore, the Senate adjourned until 9.30 to-morrow morning, the unfinished business being consideration of Section 5 of the Primary Election Bill.

JOHN Y. MURRY, JR., *Secretary*.

TWENTY-SIXTH DAY.

TUESDAY, February 11, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Heard, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 34.

Absent — Messrs. Adams, Clinton, Cooper, Evans, Falkner, Hicks, Lee, McGehee, Shelton, Ventress and Wharton—Total 11.

On motion of Mr. Dulaney, the reading of yesterday's journal was dispensed with and the same stood approved.

Mr. Dulaney called up, under a suspension of the rules S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County.

Mr. Rowan moved to table the bill subject to call.

Mr. Dulaney moved to table Mr. Rowan's motion, which motion was lost, whereupon the bill was tabled subject to call.

Mr. Heard called up, under a suspension of the rules, H. B. No. 98, An Act to authorize the City of West Point, Mississippi, to issue and negotiate bonds for the purpose of enlarging and equipping the public school building of said city of West Point.

On motion of Mr. Heard the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Farley, George, Heard, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, Moore, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 31.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Dunn, Evans, Falkner, Gardner, Hicks, Lee, McGehee, Noel, Shelton, Ventress and Wharton—Total 14.

Title standing as stated.

Mr. Sheppard obtained consent to call up, under a suspension of the rules, H. B. No. 16, An Act to amend Chapter 32 of the Acts of 1898, so as to provide for the enumeration of the educable children of the State in the year 1902 and every four years thereafter.

On motion of Mr. Sheppard the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dulaney, Hughes, Key, Kiger, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Young—Total 25.

Nays — Messrs. Dent of Sixteenth District, Farley, George, Heard, Jones, Yarbrough—Total 6.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Dunn, Evans, Falkner, Gardner, Hicks, Hinton, Lee, McGehee, Shelton, Ventress and Wharton—Total 14.

Title standing as stated.

Mr. Campbell entered a motion to reconsider the vote whereby the above bill passed.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 113, To be entitled An Act to provide for the support and maintenance of the Natchez Hospital by appropriation.

H. B. No. 117, To be entitled An Act to apportion and redistrict the State of Mississippi into eight Congressional Districts, and to provide for the election of a Congressman from each district.

H. B. No. 99, To be entitled An Act to repeal Chapter 39 of the Acts of 1898, and Chapter 121 of the Acts of 1900, and to authorize the Board of Supervisors to provide for the channeling of streams and the reclamation of overflowed lands, and to provide for the issuance and sale of interest-bearing bonds to raise funds with which to reclaim such lands.

H. B. No. 127, To be entitled An Act to authorize the Board of Supervisors of Yazoo County to transfer from the special road fund of said county to the general fund of said county the sum of \$6,461.39.

H. B. No. 124, To be entitled An Act to authorize and empower the Board of Supervisors of Tippah County to loan the Sixteenth Section, or Chickasaw school fund to the common coun-

At 6.15 P. M., on motion of Mr. Moore, the Senate adjourned until 9.30 to-morrow morning, the unfinished business being consideration of Section 5 of the Primary Election Bill.

JOHN Y. MURRY, JR., *Secretary*.

TWENTY-SIXTH DAY.

TUESDAY, February 11, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Heard, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 34.

Absent — Messrs. Adams, Clinton, Cooper, Evans, Falkner, Hicks, Lee, McGehee, Shelton, Ventress and Wharton—Total 11.

On motion of Mr. Dulaney, the reading of yesterday's journal was dispensed with and the same stood approved.

Mr. Dulaney called up, under a suspension of the rules S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County.

Mr. Rowan moved to table the bill subject to call.

Mr. Dulaney moved to table Mr. Rowan's motion, which motion was lost, whereupon the bill was tabled subject to call.

Mr. Heard called up, under a suspension of the rules, H. R. No. 98, An Act to authorize the City of West Point, Mississippi, to issue and negotiate bonds for the purpose of enlarging and equipping the public school building of said city of West Point.

On motion of Mr. Heard the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Farley, George, Heard, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, Moore, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 31.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Dunn, Evans, Falkner, Gardner, Hicks, Lee, McGehee, Noel, Shelton, Ventress and Wharton—Total 14.

Title standing as stated.

Mr. Sheppard obtained consent to call up, under a suspension of the rules, H. B. No. 16, An Act to amend Chapter 32 of the Acts of 1898, so as to provide for the enumeration of the educable children of the State in the year 1902 and every four years thereafter.

On motion of Mr. Sheppard the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dulaney, Hughes, Key, Kiger, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Young—Total 25.

Nays — Messrs. Dent of Sixteenth District, Farley, George, Heard, Jones, Yarbrough—Total 6.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Dunn, Evans, Falkner, Gardner, Hicks, Hinton, Lee, McGehee, Shelton, Ventress and Wharton—Total 14.

Title standing as stated.

Mr. Campbell entered a motion to reconsider the vote whereby the above bill passed.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 113, To be entitled An Act to provide for the support and maintenance of the Natchez Hospital by appropriation.

H. B. No. 117, To be entitled An Act to apportion and redistrict the State of Mississippi into eight Congressional Districts, and to provide for the election of a Congressman from each district.

H. B. No. 99, To be entitled An Act to repeal Chapter 39 of the Acts of 1898, and Chapter 121 of the Acts of 1900, and to authorize the Board of Supervisors to provide for the channeling of streams and the reclamation of overflowed lands, and to provide for the issuance and sale of interest-bearing bonds to raise funds with which to reclaim such lands.

H. B. No. 127, To be entitled An Act to authorize the Board of Supervisors of Yazoo County to transfer from the special road fund of said county to the general fund of said county the sum of \$6,461.39.

H. B. No. 124, To be entitled An Act to authorize and empower the Board of Supervisors of Tippah County to loan the Sixteenth Section, or Chickasaw school fund to the common coun-

ty fund at an annual rate per cent interest to be fixed by said Board.

H. B. No. 104, To be entitled An Act to further provide for the management, maintenance and support of the penitentiary, to provide for the accounting of all receipts and disbursements thereof by the Auditor of Public Accounts, to require all moneys received on account of the penitentiary to be covered directly into the State treasury, and to provide for the support of the penitentiary by appropriations drawn from the general fund in the State treasury.

S. B. No. 52, To be entitled An Act to appropriate money to defray the expenses incident to penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee and of Sergeant-at-Arms for service of process issued by said committee, and compensation of stenographer employed by said committee, with accompanying amendment.

S. B. No. 15, To be entitled An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903, for buildings and equipments needed, with accompanying amendments.

L. PINK SMITH, *Clerk.*

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the Calendar were read twice, under a suspension of the rules, and referred to committees as follows, viz.:

H. B. No. 99, An Act to repeal Chapter 39 of the Acts of 1898 and Chapter 121 of the Acts of 1900, and to authorize the Board of Supervisors to provide for the channeling of streams and the reclamation of overflowed lands, and to provide for the issuance and sale of interest-bearing bonds to raise funds with which to reclaim such lands.

To Agriculture, Commerce and Manufactures.

H. B. No. 104, An Act to further provide for the management, maintenance and support of the penitentiary, to provide for the accounting of all receipts and disbursements thereof by the Auditor of Public Accounts, to require all moneys received on account of the penitentiary to be covered directly into the State treasury, and to provide for the support of the penitentiary by appropriations drawn from the general fund in the State treasury.

To Penitentiary and Prisons.

H. B. No. 113, An Act to provide for the support and maintenance of the Natchez Hospital by appropriation.

H. B. No. 117, An Act to apportion and redistrict the State of Mississippi into eight Congressional Districts and to provide for the election of a Congressman from each district.

To Special Committee on Reapportionment.

H. B. No. 124, An Act to be entitled An Act to authorize and

empower the Board of Supervisors of Tippah County to loan the Sixteenth Section, or Chickasaw School fund, to the common county fund, at an annual rate per cent interest to be fixed by said Board.

To Local and Private Legislation.

H. B. No. 127, An Act to authorize the Board of Supervisors of Yazoo County to transfer from the special road fund of said county to the general fund of said county the sum of \$6,461.39.

To Local and Private Legislation.

Mr. Campbell called up, under a suspension of the rules, S. C. R. No. 12, a concurrent resolution of the Legislature of the State of Mississippi proposing to amend the Constitution of the State by abrogating therefrom Sections 118 and 166, so as to relieve the Legislature from the restrictings thereby imposed in regard to the salaries of the Governor, Judges and Chancellors.

On motion of Mr. Campbell the resolution was read in full and passed its first day and reading by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dulaney, George, Heard, Hinton, Jones, Key, Kiger, Looney, Martin, Moore, Noel, Rowan, Sanders, Sharborough, Shepard, Taylor, Yarbrough, Young—Total 26.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Dent of the Fourth District, Dent of the Sixteenth District, Dunn, Evans, Falkner, Farley, Gardner, Hicks, Hughes, Lee, McGehee, Seawright, Shelton, Ventress, Wharton and Wilson—Total 19.

Title standing as stated.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Humane and Benevolent Institutions:

MR. PRESIDENT: The Committee on Humane and Benevolent Institutions has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 32, An Act to make an appropriation to defray the expenses of the East Mississippi Insane Hospital for the years 1902 and 1903, and for other purposes.

Title sufficient; that bill do pass.

. BROYLES, *Chairman*.

Report of Special Committee on Congressional Reapportionment:

The Special Committee on Congressional Reapportionment has had under consideration the following bill, and has instructed me to report it back with the following recommendation:

H. B. No. 117, An Act to apportion and redistrict the State

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of unfinished business, being the adoption by sections of S. B. No. 1, relating to primary meetings and elections, etc.

To Section 5, as heretofore amended, the following amendment, proposed by Mr. Bradley, was on motion adopted, viz.:

Amend by adding after the last word in Section 5 the following, viz.: "When two or more candidates for the same position are to be voted for, then if a second primary is necessary, applying the same rules as to majorities and pluralities as where there is but one candidate, there shall be selected from those candidates having the highest vote a number—two—in excess of the number to be nominated, if more than one nominee to be named at the second primary, or if only one to be nominated at said second primary the two highest only shall be chosen and the candidate or candidates receiving the highest popular vote in said second primary is to be declared the nominee."

Whereupon the Section as amended was adopted.

To Section 6 the following amendment, offered by Mr. Campbell, was adopted, viz.:

Amend the first sentence of Section 6 by adding at the end thereof the following: "And declare the result, announce the names of the nominees for county and county district offices, and the names of those candidates to be submitted to a second primary."

Whereupon the section as amended was adopted.

Sections 7 and 8 were severally adopted.

To Section 9 the following amendment, proposed by Mr. Campbell, was adopted, viz.:

Amend the first sentence of Section 9 by striking out all after the word "participate," in line four, and before the word "and" in line six, and by inserting the following: "Have participated with the political party holding the primary within the three years preceding."

Whereupon Section 9 as amended was adopted.

To Section 10 Mr. Campbell offered the following amendment, viz.:

Amend Section 10 so that it shall read as follows: "Section 10, That the expenses of all primary elections under this Act shall be allowed by the Board of Supervisors, and paid out of the treasury of the several counties in which the same may be had."

On motion of Mr. Abbay the same was tabled.

The following amendment to this section, offered by Mr. Abbay, was adopted, viz.:

Amend by striking out in the eighth to the tenth line the following words: "The name of no candidate shall be placed on any ballot who has not paid the equal assessment apportionable as aforesaid."

Whereupon the section as amended was adopted.

Thereupon, on motions, the several remaining sections to be the bill, including the three new sections adopted on yesterday, were severally adopted, the enforcing clause being numbered Section 24.

'On motion of Mr. Noel the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, George, Heard, Hinton, Hughes, Jones, Key, Kiger, Looney, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 31.

Nays—Mr. Abbay—Total 1.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Evans, Falkner, Gardner, Hicks, Lee, Martin, McGehee, Shelton, Ventress and Wharton—Total 13.

Title standing as stated.

Mr. Moore called up from the table S. B. No. 26, An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties, and to provide for its maintenance, and for the issuance of future publications of the Mississippi Historical Society.

On motions the following amendments severally offered by Mr. Moore, were adopted, viz.:

1st. Amend by striking out from third section the words "and shall receive for his services the sum of \$1,800 per annum."

2d. Strike out paragraph 2 of Section 7.

3d. Strike out Section 8.

To the bill as amended the following amendment, proposed by Mr. Farley, was adopted, viz.:

Amend by striking out the words "the Governor shall be *ex-officio* President of the Board."

On motion of Mr. Moore the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, George, Heard, Hinton, Hughes, Jones, Key, Kiger, Looney, Moore, Noel, Rowan, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough—Total 29.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Evans, Falkner, Farley, Gardner, Hicks, Lee, Martin, McGehee, Sanders, Shelton, Ventress, Wharton and Young—Total 16.

Title standing as stated.

President *pro tem.* Kiger in the Chair.

The Senate proceeded to the consideration of the special order for this hour, being S. B. No. 8, An Act to divide the State into eight Congressional Districts.

Mr. Dunn moved that an identical bill reported from the House this morning, with a different title, being H. B. No. 117, An Act to apportion and redistrict the State of Mississippi into eight Congressional Districts, and to provide for the election of a Congressman from each district, be taken up under a suspension of the rules in lieu of the foregoing S. B. No. 8, which motion prevailed.

Whereupon the rules were suspended for the consideration of said H. B. No. 117, above set out.

Mr. Moore in the chair.

Mr. Kiger offered the following amendment to the bill, viz.: Amend by striking out the word "Holmes," in the 28th line of first page of bill, and by inserting in lieu thereof the word "Warren," and also by striking out the word "Warren" in the 28th line of second page of bill, and by inserting in lieu thereof the word "Holmes."

On motion of Mr. Dunn the amendment was tabled.

Mr. Dunn called the previous question upon the third reading and passage of the bill.

The call was sustained.

Whereupon the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dunn, Farley, Gardner, George, Heard, Hinton, Hughes, Jones, Key, Looney, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 30.

Nays—Messrs. Dent of Sixteenth District, Dulaney, Kiger—Total 3.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Evans, Falkner, Hicks, Lee, Martin, McGehee, Shelton, Ventress and Wharton—Total 12.

Title standing as stated.

Mr. George entered a motion to reconsider the vote whereby the bill passed.

On motion of Mr. Farley, at 1 P. M., the Senate adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary.*

TWENTY-SEVENTH DAY.

WEDNESDAY, February 12, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 37.

Absent—Messrs. Clinton, Cooper, Evans, Lee, Martin, Shelton, Ventress and Wharton—Total 8.

On motion of Mr. Falkner the reading of yesterday's journal was dispensed with and the same stood approved.

The courtesies of the Senate were extended to Hons. G. D. Shands, of the University of Mississippi, J. K. Vardaman of Leflore, D. M. Russell of Smith and Judge Stone Deavours of Jasper.

REPORTS OF STANDING COMMITTEES.

Report of Judiciary Committee:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bill referred to it, and has instructed me to report it back with the following recommendations:

S. B. No. 57, An Act to amend Section 1, Chapter 54, Acts of 1900, in relation to the issuance of State bonds for the purpose of erecting a new State House.

Title sufficient; bill do not pass, but committee substitute therefor do pass.

R. B. CAMPBELL, *Acting Chairman.*

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 44, An Act entitled An Act to regulate the fishing and canning of oysters in the State of Mississippi, and improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90 of the Laws of 1898.

S. B. No. 56, An Act to empower the Board of Supervisors of Harrison County to order an election for the purpose of submit-

ting to the qualified electors of said county the removal of the county seat of said county from Mississippi City to the town of Gulfport, in said county.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

Report of Committee on Engrossed Bills:

MR. PRESIDENT: The Committee on Engrossed Bills has had under consideration the following bills referred to them, and have instructed me to report back that the same have been correctly engrossed, viz.:

S. B. No. 1, An Act to repeal Chapter 105, relating to primary meetings and elections except Sections 3274 and 3275, and to provide for all nominations for State, district, county district and county officers to be made primary elections.

Also S. B. No. 26, An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties, and to provide for its maintenance and for the issuance of future publications of the Mississippi Historical Society.

MCGEHEE, *Chairman*.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of the Senate, in manner and form as required by the Constitution, to-wit:

S. B. No. 44, An Act entitled An Act to regulate the fishing and canning of oysters in the State of Mississippi, and improving and enlarging oyster beds in the Mississippi waters, and to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90 of the Laws of 1898.

S. B. No. 56, An Act to empower the Board of Supervisors of Harrison County to order an election for the purpose of submitting to the qualified electors of said county the removal of the county seat of said county from Mississippi City to the town of Gulfport, in said county.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

H. B. No. 14, An Act to appropriate \$2,500 in the year 1902, and \$1,500 for the year 1903, for the Confederate Hospital Annex

at Vicksburg, Miss., and to provide for the distribution of the same.

Title sufficient as amended; that bill do pass as amended.

H. B. No. 23, An Act to appropriate money for the relief of indigent soldiers, sailors, and widows and servants of the war between the States.

Title sufficient; that bill do pass.

H. B. No. 45, An Act to amend Section 1991 of the Annotated Code of 1892, so as to graduate the salaries of Clerks of the Chancery Courts for *ex-officio* services rendered.

Title sufficient; that bill do pass.

S. B. No. 62, An Act to establish a State Teachers' Training School for white teachers, and to make an appropriation for the same.

Title sufficient; that bill do pass.

H. B. No. 112, An Act to appropriate money for the purpose of resupplying the State Charity Hospital at Vicksburg with beds and bed clothing.

Title sufficient; that bill do pass.

S. B. No. 72, An Act to provide for the maintenance of the Department of Archives and History, and for the issuance of future publications by the Mississippi Historical Society.

Title sufficient; that bill do pass.

S. B. No. 17, An Act to make an appropriation to defray the expenses of the State Board of Health for the years 1902 and 1903.

Title sufficient; that bill do pass.

S. B. No. 42, An Act to appropriate funds for the proper furnishing and fitting of the new Capitol building and the various departments thereof, to lay off, fit and prepare the grounds around said building and to provide for the mode of expending said funds, to authorize the issuance of State bonds for the purpose of the proper furnishing and fitting of the new Capitol building and the various departments thereof, and to lay off, fit and prepare the grounds around said building, and to provide for the payment of the interest on said bonds.

That the bill be referred to the Committee on Public Works.

BRADLEY, *Chairman*.

On motion the rules were suspended and the above bill was read twice and referred to Committee on Public Works.

Report of Committee on enrolled bills:

MR. PRESIDENT: The Committee on enrolled bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature to-wit:

H. B. No. 28, An Act to make an appropriation to defray the expenses of the State Insane Hospital for the years 1902 and 1903.

H. B. No. 37, An Act to make an appropriation to defray the expenses of the Institute for the Blind and for other purposes.

B. W. SHARBOROUGH, *Chairman*.

Whereupon, the President suspended all business, had the bills read by their titles, and signed the same, calling the attention of the Senate thereto.

Report of Committee on Constitution.

MR. PRESIDENT: The Committee on Constitution has had under consideration the following Resolution referred to it, and has instructed me to report it back with the following recommendations:

S. C. R. No. 14, To amend section 85 of the State Constitution so that uniformity in the method of working the public roads of the State may be enforced.

Do pass.

R. B. CAMPBELL, *Chairman*.

Report of Committee on Agriculture, Commerce and Manufactures.

MR. PRESIDENT: The Committee on Agriculture, Commerce and Manufacturers, has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 6, An Act to establish a State Live Stock Sanitary Board, to create the office of State Veterinarian, to provide for the control and suppression of dangerous, contagious and infectious diseases of domestic animals and for the study of diseases of live stock of the State, and to make an appropriation therefor.

Title sufficient; that bill do not pass.

H. B. No. 99, An Act to repeal Chapter 121 of the Acts of 1900 and to authorize the Board of Supervisors to provide for the channeling of streams and the reclamation of overflowed lands, and to provide for the issuance and sale of interest-bearing bonds to raise funds with which to reclaim such lands.

Title sufficient; bill do pass.

S. B. No. 71, An Act to provide for a State Geologist and for a Geological survey of the State.

Title sufficient; bill do pass.

BAILEY, *Chairman*.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 10, 1902.

To the Legislature of the State of Mississippi.

GENTLEMEN: I have the honor to submit the following communication received from the State Medical Association for your consideration and such action as you may deem proper:

"We, the committee appointed by the State Medical Association at its last meeting in Jackson in May, 1901, to present the facts to the Legislature in regard to contagious and infectious diseases and urge appropriate legislation, request your consideration of the following suggestions, and respectfully ask you to recommend same in your forthcoming message to the Legislature.

"1st. The management of the late epidemic of smallpox by the County Boards of Supervisors was ineffective, and more lives were lost than would have been had the Board of Health been in a position to have handled the same. And further, much more money was expended by the different counties in their efforts to meet the emergencies than would have been necessary for the more perfect handling of the epidemic by the State Board of Health.

2d. We recommend inspection of milk, meats and foods in all sections of the State wherever there may be reason to suspect that diseases are produced by the same.

3d. The collection and registration of vital, mortuary and morbidity statistics, for without these we are unable to answer the many questions pertaining to the health and death rate of our great State by insurance companies, corporations and all others who would come to invest and help build up this great commonwealth.

"4th. That we should have a chemical and bacteriological laboratory in order that the physicians of the State may have specimens of tuberculous sputum and other pathological products examined, and that citizens may have drinking water, milk and foods tested for impurities whenever deemed necessary. Believing as we do that by this means consumption, typhoid fever and many other infectious diseases could be materially lessened.

"5th. We suggest that a law be made requiring all physicians in the State to make monthly reports to the chief County Health Officers of the contagious and infectious diseases prevailing in their respective counties, the health officers to make monthly reports to the State Board of Health, who shall make a summary of these reports and mail to the county health officers.

"(Signed)

"J. A. CRISLER, *Chairman.*

"R. E. JONES.

"E. H. MARTIN."

Respectfully,

A. H. LONGINO, *Governor.*

EXECUTIVE DEPARTMENT,

JACKSON, MISS., February 10, 1902.

To the Legislature of the State of Mississippi.

GENTLEMEN: Upon request made by the Board of Levee Commissioners for the Yazoo-Mississippi Delta, I have the honor to submit for your consideration the following subjects, deemed by

said Levee Board to be of vital importance to the interest of that large section protected by the levees of the Mississippi River, and which, in the opinion of the said Board, were required to be published before submission, and which publications have just been completed, as follows, to-wit:

1st. An Act to authorize the Board of Levee Commissioners of the Yazoo-Mississippi Delta to issue bonds to an amount not exceeding two hundred and fifty thousand dollars, for the purpose of raising funds for high water emergencies and for other purposes.

2d. An Act to authorize and empower the Board of Levee Commissioners for the Yazoo-Mississippi Delta to levy a tax upon all privileges exercised within the said levee district.

3d. An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds for the purpose of refunding its outstanding bonded indebtedness at a lower rate of interest.

4th. An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to borrow money for certain purposes authorized by law, and to issue its debentures therefor.

5th. An Act to repeal so much of Section 2 of an act entitled "An Act to relieve the Bank of Greenwood, of Greenwood, Miss., from double taxation, and to refund to it certain taxes overpaid," approved March 6, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank \$492.05.

6th. An Act to repeal so much of Section 2 of an Act entitled "An Act to relieve the Delta Bank of Greenwood, Miss., from double taxation, and to return to it certain taxes overpaid," approved March 9, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank the sum of \$643.04.

I beg to say that, as to items 5 and 6 above submitted, I am advised that suits are now pending in court, as to the merits of which I am not fully informed, involving the subject-matter therein named, and I suggest that the facts be carefully inquired into by the Legislature before passing bills thereon.

And for consideration also the following subjects, to-wit:

7th. An Act to authorize the Board of Supervisors of Attala County to loan \$15,000 of the general county fund to the school fund.

8th. An Act to authorize the Board of Supervisors of Perry County and the Mayor and Board of Aldermen of the city of Hattiesburg to invest the sinking funds now on hand and being raised with which to pay off certain bonds.

9th. An Act to validate and confirm the proceedings of the Nashville & Mississippi Delta Railroad Company, and to authorize the Directors of said Company to proceed under the provisions of its charter to construct a railroad in Mississippi.

Respectfully,

A. H. LONGINO, *Governor.*

Mr. Falkner called up from the calendar S. B. No. 15, An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903 for buildings and equipment needed, and moved that the Senate refuse to concur in House amendments heretofore reported thereto, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Young—Total 32.

Nays—Mr. Broyles—Total 1.

Absent and those not voting—Messrs. Adams, Clinton, Cooper, Dent of the Fourth District, Evans, Farley, Lee, Martin, Shelton, Ventress, Wharton and Yarbrough—Total 12.

On motion of Mr. Falkner a conference committee was requested of the House touching the disagreements on said bill, and the chair appointed as conferees on the part of the Senate Messrs. Falkner, Looney, and Moore.

Mr. Sanders called up the motion heretofore entered to reconsider the vote whereby H. B. No. 16, An Act to amend Chapter 32 of the Acts of 1898 so as to provide for the enumeration of the educable children of the State in the year 1902, and every four years thereafter, passed the Senate, and moved to table the motion to reconsider, which motion prevailed.

Mr. Dunn called up the motion heretofore entered to reconsider the vote whereby H. B. No. 117, An Act to apportion and redistrict the State of Mississippi into eight Congressional Districts, and to provide for the election of a Congressman from each district, heretofore passed, and moved to table the motion to reconsider, which motion prevailed.

Mr. Dulaney called up from the table S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railroad Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also part of its own line in Leflore County.

On motion of Mr. Rowan the bill was recommitted to Committee on Railroads.

Mr. Bradley, under a suspension of the rules, offered the following resolution, viz.:

Resolved, That from this date no bill hereafter adversely reported by the committee to which same was referred shall be considered unless by a two-thirds consent vote, which resolution was lost.

Mr. Hinton obtained consent to a suspension of the rules for consideration of H. B. No. 49, An Act for the support and maintenance of the State Normal School at Holly Springs.

On motion of Mr. Hinton the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sharborough, Sheppard, Young—Total 27.

Nays—Messrs. Hughes and Key—Total 2.

Absent and those not voting—Messrs. Abbay, Bradley, Clinton, Cooper, Dent of the Fourth District, Evans, Lee, Martin, Sanders, Seawright, Shelton, Taylor, Ventress, Wharton, Wilson and Yarbrough—Total 16.

Title standing as stated.

INTRODUCTION OF BILLS.

Under a suspension of the rules the following bills were introduced, read twice and referred to committees as follows, viz.:

By Mr. George, by request—

S. B. No. 73, An Act to provide for the payment of interest due on the original seminary fund and the 1894 land grant fund for the support of the University of Mississippi for the years 1902 and 1903.

To Finance.

By Mr. Abbay—

S. B. No. 74, An Act to repeal so much of an Act entitled An Act to relieve the Delta Bank of Greenwood, Miss., from double taxation, and to refund to it certain taxes overpaid, approved March 9, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank the sum of \$643.04.

To Levees.

By Mr. Abbay—

S. B. No. 75, An Act to repeal so much of Section 2 of an Act to relieve the Bank of Greenwood, of Greenwood, Miss., from double taxation, and to refund to it certain taxes overpaid, approved March 6, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank \$492.05.

To Levees.

By Mr. Abbay—

S. B. No. 76, An Act to authorize and empower the Board of Levee Commissioners for the Yazoo-Mississippi Delta to levy a tax upon all privileges exercised within said district.

To Levees.

By Mr. Abbay—

S. B. No. 77, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta, to issue bonds to an

amount not exceeding \$250,000 for the purpose of raising funds for high water emergencies and for other purposes.

To Levees.

By Mr. Abbay—

S. B. No. 78, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to borrow money for certain purposes authorized by law, and to insure its debentures therefor.

To Levees.

By Mr. Abbay—

S. B. No. 79, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds for the purpose of refunding its outstanding bonded indebtedness at a lower rate of interest.

To Levees.

By Mr. George—

S. B. No. 80, An Act to provide for the assessment and taxation for county purposes only of all revenue bearing real estate belonging to the State and actually used and employed for profit.

To Finance.

By Mr. Young—

S. B. No. 81, An Act to validate and confirm the proceedings of the Nashville & Mississippi Delta Railroad Company, and to authorize the Directors of said Company to proceed under the provisions of its charter to construct a railroad in Mississippi.

To Railroads.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being S. B. No. 53, An Act to amend Section 2348 of the Code of 1892, fixing the legal contract rate of interest at eight per cent per annum.

Mr. Dulaney offered the following amendment, viz.:

Add at the end of Section 1 the following: "Money loaned and all obligations bearing a rate of interest not exceeding six per cent per annum shall be exempt from all taxation."

Mr. Taylor offered as a substitute for Mr. Dulaney's amendment the following:

"That all moneys loaned at eight per cent and less shall be exempt from taxation."

On motion of Mr. Bradley the substitute was indefinitely postponed.

Mr. Campbell moved to table the bill and amendment subject to call, which motion prevailed.

On motion of Mr. Bradley the bill and amendment were recalled from the table and the Senate proceeded to consideration of same.

Mr. Dulaney obtained consent to withdraw his amendment to the bill.

Mr. Bradley moved the indefinite postponement of the bill, upon which Mr. Dunn called the previous question.

The call was sustained.

Whereupon the bill was indefinitely postponed by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Bradley, Campbell, Cayce, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Hicks, Hinton, Kiger, Looney, Moore, Seawright, Sharborough, Sheppard, Wilson, Yarbrough, Young — Total 22.

Nays—Messrs. Adams, Broyles, Chrisman, Falkner, Gardner, George, Heard, Hughes, Jones, Noel, Rowan, Taylor—Total 12.

Absent and those not voting—Messrs. Clinton, Cooper, Evans, Key, Lee, Martin, McGehee, Sanders, Shelton, Ventress and Wharton—Total 11.

Mr. Dent entered a motion to reconsider the vote whereby the foregoing bill was indefinitely postponed.

Mr. Sheppard entered a motion to reconsider the vote whereby the resolution offered by Mr. Bradley, requiring a two-thirds vote in order to consider bills which have been adversely reported, was this morning lost.

Mr. Bradley called up the foregoing motion, and moved a reconsideration of said vote.

On motion of Mr. Chrisman the same was tabled.

Mr. Bailey obtained consent to have H. B. No. 48, An Act making an appropriation for the support, repairs, additional buildings, improvements and equipment of the Mississippi Agricultural and Mechanical College, made the special order for 9.30 to-morrow morning.

Mr. Campbell obtained consent to call up for consideration S. C. R. No. 12, proposing to amend the Constitution of the State by abrogating therefrom Sections 118 and 166, so as to relieve the Legislature from the restrictions thereby imposed in regard to the salaries of the Governor, Judges and Chancellors.

On motion of Mr. Campbell the bill was read in full and passed its second day and reading by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Gardner, George, Hicks, Hinton, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Sheppard, Yarbrough, Young—Total 25.

Nays—Messrs. Bradley, Dulaney, Dunn, Hughes—Total 4.

Absent and those not voting—Messrs. Clinton, Cooper, Dent of the Sixteenth District, Evans, Falkner, Farley, Heard, Key, Lee, Martin, Seawright, Shelton, Taylor, Ventress, Wharton and Wilson—Total 16.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

House Bill No. 66, To be entitled An Act to appropriate money to pay the per diem and mileage of the Presidential electors for two meetings in December, 1900, and January, 1901, as directed by Section 3703 of the Annotated Code of 1892.

L. PINK SMITH, *Clerk*.

On motion, under a suspension of the rules, the above bill was read twice and referred to Committee on Finance.

Mr. Moore obtained consent to call up for consideration S. B. No. 51, An Act to authorize the Board of Mayor and Aldermen of the city of Natchez to issue bonds for the purpose of purchasing the waterworks and sewerage system owned and operated in said city by the Natchez Water Supply and Sewer Company.

On motion of Mr. Moore the following amendment to the bill, offered by himself, was adopted, viz.:

Amend by adding after the words "Sewer Company," in Section 1, the following words, "or for the purpose of building, constructing or otherwise securing for said city a system of sewerage and waterworks."

Thereupon, on motion of Mr. Moore, the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, Heard, Hicks, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Taylor, Yarbrough, Young—Total 31.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Evans, George, Key, Lee, Martin, Seawright, Shelton, Sheppard, Ventress, Wharton and Wilson—Total 14.

On motion of Mr. Moore the title was amended by adding at the end thereof the following, viz.: "Or for the purpose of building, constructing or otherwise securing for said city a system of sewerage and waterworks."

Whereupon the title as amended was adopted.

RESOLUTION.

The following resolution, offered by Mr. Noel, was on motion adopted, viz.:

The Senate resolution to authorize an investigation of the question of who altered Senate Bill No. 125, after its passage by the Legislature and before its approval.

WHEREAS, At the last session of this Legislature the proposition to amend Senate Bill No. 125, in a mode that would authorize

and require the payment of the Wineman claim, was defeated, as appears by the Senate and House journals for the year 1900; and,

WHEREAS, After said bill had passed each House and before it was signed and approved, said proposed amendment was fraudulently interlined in said bill, giving the bill, as thus amended, the form of law; and,

WHEREAS, The land entries out of which the Wineman claim arose were effected through fraud and perjury, and the efforts to obtain from the State through the courts the amount claimed on account of said entries were defeated before the passage of said bill; and,

WHEREAS, Since the passage of said bill a suit based on said false interlineation has been instituted and is now pending in the Supreme Court involving about \$7,000; therefore, be it

Resolved by the Senate, That the members of the Committee on Enrolled Bills appointed on the part of the Senate be, and they are hereby authorized and directed to prosecute inquiry as to how and by whom said interlineation was effected, and may send for persons and papers, and administer oaths to witnesses, and perform all other acts necessary to duly prosecute said investigation, and shall report the result of their proceedings, with the evidence taken, and shall also report what they deem necessary to undo said wrong.

The following concurrent resolution, introduced by Mr. Moore, was on motion adopted, viz.:

CONCURRENT RESOLUTION.

WHEREAS, It is important that the Legislature shall hold both morning and afternoon sessions; therefore, be it

Resolved by the Senate, the House of Representatives concurring therein, That the joint committee charged with the investigation of penitentiary affairs be, and is authorized and empowered to secure a room or rooms or hall, other than the Senate chamber in which to hold its sessions from and after this date, until its work has been completed, and the members of said committee are excused at such time as they may desire from attendance upon the legislative sessions so that the said committee may conclude its labors at the earliest date consistent with the interests of the State and just to all parties concerned. The said committee may employ all necessary clerical and other assistants necessary to a proper completion of its labors.

Mr. Gardner called up for consideration S. B. No. 32, An Act to provide public depositories and to protect and secure public funds in their custody.

Pending consideration of the foregoing bill, on motion of Mr. Hughes, the Senate at 1.20 P. M. adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

TWENTY-EIGHTH DAY.

THURSDAY, February 13, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Greaves, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 40.

Absent—Messrs. Clinton, Evans, Martin, Shelton, and Ventress—Total 5.

On motion of Mr. Dulaney the reading of yesterday's journal was dispensed with and same stood approved.

Mr. Moore presented Hon. H. B. Greaves, Senator elect from the Eighteenth District, vice Hon. R. C. Lee, resigned, and announced that he was ready to take the oath of office.

Whereupon Mr. Greaves appeared at the bar of the Senate, took the oath of office prescribed by the Constitution, and entered upon the discharge of the duties of his office.

REPORTS OF STANDING COMMITTEES.

Report of Judiciary Committee:

MR. PRESIDENT: The Committee on Judiciary has had under consideration the following resolution referred to it, and has instructed me to report it back with the following recommendations:

Senate resolution requesting opinion of this committee upon the question whether the act of the Secretary of State in retaining in his office the returns of the recent election in this State to fill vacancies in the office of Secretary of State and State Treasurer unopened until the assembling of the Legislature, and then delivering same to the Speaker of the House for action by the House of Representatives thereon was proper under the law, and as to the effect of the Act of 1900, page 94, Chapter 79, approved March 1, 1900, as to providing mode of returns of elections to fill vacancies in State offices, respectfully report that in our opinion the act of the Secretary of State in delivering said returns was not authorized by the law, but that he should have opened the returns and declared the result of the election pursuant to the provisions of Section 3673, Code 1892, the effect of the Act of 1900 being to amend, by necessary implication, said Section 3673

by striking therefrom the words "other than State offices," in the third line thereof, so far as elections to fill vacancies in State offices are concerned; otherwise the Act and intention of the Legislature in providing for the election of State officers to fill vacancies would be ineffectual.

We are further of opinion that there being no specific provisions in the law concerning the opening of the returns and declaring result of elections to fill vacancies in State offices, this omission should be supplied by some express legislative enactment.

R. B. CAMPBELL, *Acting Chairman*.

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 70, An Act to authorize the Board of Supervisors of Attala County to loan fifteen hundred dollars from the general county fund to the school fund.

Title sufficient; that bill do pass.

A. W. DENT, *Acting Chairman*.

Report of Committee on Railroads:

MR. PRESIDENT: The Committee on Railroads has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County.

Title sufficient; that bill do pass.

S. B. No. 81, An Act to validate and confirm the proceedings of the Nashville & Mississippi Delta Railroad Company, and to authorize the Directors of said Company to proceed under the provisions of its charter to construct a railroad in Mississippi.

Title sufficient; that bill do pass.

L. C. DULANEY, *Chairman*.

Report of the Judiciary Committee:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bills referred to it, and has instructed me to report them back with the following recommendations:

S. B. No. 22, An Act to establish a separate department of Banking and Insurance.

S. B. No. 24, An Act to regulate fire insurance and other companies.

S. B. No. 25, An Act to provide for the investigation of incendiary fires.

Title sufficient ; bills do not pass, but substitutes for the three aforesaid bills do pass ; title sufficient.

R. B. CAMPBELL, *Acting Chairman*.

Report of Committee on Finance :

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations :

H. B. No. 41, An Act to appropriate money to defray the expenses of the legislative and executive and judicial departments, and to pay interest on the State debt.

Title sufficient ; that bill do pass as amended.

S. B. No. 73, An Act to provide for the payment of interest due on the original seminary fund and the 1894 land grant fund for the support of the University of Mississippi for the years 1902 and 1903.

Title sufficient ; bill do pass.

S. B. No. 80, An Act to provide for the assessment and taxation for county and levee purposes only, of all revenue bearing real estate belonging to the State and actually used and employed for profit.

Title sufficient ; bill do pass.

BRADLEY, *Chairman*.

Report of Committee on Levees :

MR. PRESIDENT: The Committee on Levees has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations :

S. B. No. 74, An Act to repeal so much of an Act entitled An Act to relieve the Delta Bank of Greenwood, Miss., from double taxation, and to refund to it certain taxes overpaid, approved March 9, 1900, as may require the Board of Levee Commissioners of the Yazoo-Mississippi Delta to pay to said bank the sum of \$643.04.

Title sufficient ; that bill do pass.

S. B. No. 75, An Act to repeal so much of Section 2 of an Act entitled An Act to relieve the Bank of Greenwood, Miss., from double taxation and to refund to it certain taxes overpaid, approved March 6, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank \$492.05.

Title sufficient ; that bill do pass.

S. B. No. 76, An Act to authorize and empower the Board of

Levee Commissioners for the Yazoo-Mississippi Delta to levy a tax upon all privileges exercised within said districts.

Title sufficient; that bill do pass.

S. B. No. 77, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds to amount not exceeding \$250,000 for the purpose of raising funds for high water emergencies and for other purposes.

Title sufficient; that bill do pass.

S. B. No. 78, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to borrow money for certain purposes authorized by law, and to issue its debentures therefor.

Title sufficient; that bill do pass.

S. B. No. 79, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds for the purpose of refunding its outstanding bonded indebtedness at a lower rate of interest.

Title sufficient; that bill do pass.

—————, *Chairman.*

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 83, An Act for the relief of W. T. Gwin, ex-tax assessor of Webster County, so as to compensate him for services rendered in assessing taxes for the year 1899, for which he did not receive any compensation.

H. B. No. 97, An Act to transfer from the Auditor's office and Land Commissioner's office to the offices of the Clerks of the Chancery Court of the proper counties all deeds made by the tax collectors to the Board of Commissioners to liquidate outstanding liabilities incurred for loan purposes prior to first day of January, 1862, and its successors.

H. B. No. 5, An Act for the relief of Wade Polk, Tax Assessor of Lawrence County.

H. B. No. 95, An Act to divide the County of Tallahatchie into two Circuit and Chancery Court Districts, and to fix the jurisdiction of the courts, and to provide for holding same in each district, and to provide for the location of a county site in the Second District thereof, and to provide for the building of a court house and jail therein, and for transcribing of all muniments of title to lands lying within the Second District of said county, and to provide for the payment of all expenses incurred in carrying out the provisions of this Act.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 16, An Act to amend Chapter 32 of the Acts of 1898 so as to provide for the enumeration of the educable children of the State in the year 1902 and every four years thereafter.

H. B. No. 98, An Act to authorize the city of West Point, Mississippi, to issue and negotiate bonds for the purpose of enlarging and equipping the public school building of said city of West Point.

H. B. No. 117, An Act to apportion and redistrict the State of Mississippi, and to provide for the election of a Congressman from each district.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

RESOLUTION.

The following resolution, offered by Mr. Crawford, was adopted, viz.:

Resolved by the Senate, That the Clerk of the Mississippi Penitentiary Board of Control be required to forthwith furnish for the information of the Senate the number of bales of cotton now on hand, and also the amount of seed cotton on hand, and where each is located, also the amount of cash on hand and where deposited, the amount of cotton seed on hand and where located; also the amounts of notes and accounts due the Board and by whom due; also the amount that the Board may be owing and to whom.

Mr. Dunn called up S. B. No. 52, An Act to appropriate money to defray the expenses incident to penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee, and of Sergeant-at-Arms for service of process issued by said committee, and compensation of stenographer employed by said committee, and moved that the House amendment thereto, heretofore reported, be concurred in, which motion was sustained by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Cayce, Chrisman, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Greaves, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, McGehee, Moore, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 35.

Absent and those not voting—Messrs. Campbell, Clinton, Dent of the Fourth District, Evans, Gardner, Martin, Noel, Shelton, Ventress and Wharton—Total 10.

Title standing as stated.

Upon motion of Mr. Bradley all appropriation bills were ordered to be advanced upon the calendar for consideration in advance of all other measures.

On motion of Mr. Abbay S. B. No. 75, An Act to repeal so much of Section 2 of an Act entitled An Act to relieve the Bank of Greenwood, of Greenwood, Miss., from double taxation and to refund to it certain taxes overpaid, approved March 6, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank \$492.05, was tabled subject to call.

Mr. Cayce obtained consent to the consideration out of order of H. B. No. 70, An Act to appropriate from the pension funds returned to the treasury money to pay pensions to those whose applications were received after the distribution had been made to the counties by the Auditor.

On motion of Mr. Cayce the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, Greaves, Heard, Hicks, Hinton, Hughes, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Wilson, Yarbrough, Young—Total 31.

Absent and those not voting — Messrs. Campbell, Clinton, Cooper, Dent of the Fourth District, Evans, George, Jones, Key, Kiger, Martin, Shelton, Taylor, Ventress and Wharton—Total 14.

Title standing as stated.

Mr. Sharborough entered a motion to reconsider the vote whereby the bill passed.

The courtesies of the Senate were extended to Judge Morgan of Leflore, and Hon. John M. Allen of Lee.

Mr. Cayce called up for consideration out of order H. B. No. 23, An Act to appropriate money for the relief of indigent soldiers, sailors, widows and servants of the war between the States.

The following amendment to the bill, offered by Mr. Adams, was adopted, viz.:

Amend by adding before the enforcing clause: "In case a pensioner has died, or hereafter dies, after being allowed a pension, the pension for the year of his death may be paid to his widow if he leaves one, if not to the Chancery Clerk of the county of his residence for the benefit of his family, and no administration shall be necessary."

On motion of Mr. Cayce the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Greaves, Heard, Hicks, Hinton, Hughes, Jones, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Wharton, Wilson, Yarbrough, Young—Total 33.

Absent and those not voting—Messrs. Campbell, Clinton, Cooper, Dent of the Fourth District, Evans, Gardner, Key, Kiger, Martin, Shelton, Taylor and Ventress—Total 12.

Title standing as stated.

Mr. Chrisman called up the motion heretofore entered to reconsider the vote whereby S. C. R. No. 5, concurrent resolution submitting to the qualified electors of the State for ratification or rejection an amendment to the Constitution increasing the number of Supreme Court Judges, heretofore failed to pass the Senate, and moved that the same be reconsidered, which motion prevailed.

Mr. Chrisman moved that the resolution be put on its first day and reading, which motion prevailed, whereupon the resolution was read in full and passed its first day and reading by the following vote, viz. :

Yeas — Messrs. Abbay, Adams, Bailey, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dulaney, Farley, Gardner, Greaves, George, Heard, Hicks, Kiger, Looney, McGehee, Moore, Noel, Rowan, Seawright, Sheppard, Taylor, Wharton, Yarbrough—Total 26.

Nays—Messrs. Dunn, Falkner, Hinton, Hughes, Jones, Sanders, Sharborough, Wilson, Young—Total 9.

Absent and those not voting—Messrs. Bradley, Broyles, Clinton, Cooper, Dent of the Sixteenth District, Evans, Key, Martin, Shelton and Ventress—Total 10.

Title standing as stated.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 31, To be entitled An Act to provide for the support and maintenance of the State Charity Hospital at Vicksburg.

H. B. No. 108, To be entitled An Act to authorize the issuance of State bonds for the purpose of completing the new State house and furnishing the same.

H. B. No. 109, To be entitled An Act to raise revenue to carry on the State government of Mississippi for the fiscal years 1902 and 1903.

Also House Concurrent Resolution No. 1, A concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

And has also agreed to the conference asked by the Senate on the disagreement of the two houses on Senate Bill No. 15, To be entitled An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903 for buildings and equipment needed, and has named as conferees on the part of the House Messrs. Crum, Alcorn and Longest.

L. PINK SMITH, *Clerk.*

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the Calendar were read twice and referred to committees as follows:

H. B. No. 31, An Act to provide for the support and maintenance of the State Charity Hospital at Vicksburg.

To Finance.

H. B. No. 108, An Act to authorize the issuance of State bonds for the purpose of completing the new State house and furnishing the same.

To Finance.

H. B. No. 109, An Act to raise revenue to carry on the State government of Mississippi for the fiscal years 1902 and 1903.

To Finance.

H. Con. Res. No. 1, A concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

To Constitution.

Mr. Noel obtained consent to a suspension of the rules for first reading, S. C. R. No. 3, Senate Concurrent Resolution to amend the Constitution of the State of Mississippi so as to make the judiciary elective.

On motion of Mr. Noel the resolution was read in full and failed to pass its first day and reading by the majority required by the Constitution as shown by the following vote, viz.:

Yeas—Messrs. Bailey, Cayce, Chrisman, Crawford, Dent of Fourth District, Falkner, Hicks, Hinton, Jones, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 21.

Nays—Messrs. Abbay, Adams, Bradley, Campbell, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, Greaves, Heard, Hughes, Kiger, Wharton—Total 14.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Evans, George, Key, Martin, Moore, Shelton and Ventress—Total 10.

Title standing as stated.

Mr. Falkner obtained consent to a suspension of the rules for consideration out of order of S. B. No. 73, An Act to provide for the payment of interest due on the original seminary fund and the 1894 land grant fund for the support of the University of Mississippi for the years 1902 and 1903.

Whereupon the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, Greaves, George, Heard, Hicks, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Taylor, Wharton, Yarbrough, Young—Total 33.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Dent of the Fourth District, Evans, Key, Martin, Seawright, Shelton, Sheppard, Ventress and Wilson—Total 12.

Title standing as stated.

On motion of Mr. Falkner the rules were suspended and this bill was instructed to be sent over without lying over one day.

Mr. George moved to suspend the rules for consideration out of order of H. B. No. 11, touching creation of the Louisiana Purchase Exposition Bureau, etc., which motion was lost.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the unfinished business, being S. B. No. 32, An Act to provide public depositories and to protect and secure public funds in their custody.

The following amendment, offered by Mr. Farley, was adopted, viz.:

“Amend by striking out \$50,000, and inserting in lieu thereof \$25,000.”

To the bill as amended Mr. Farley offered the following amendment, viz.:

“Strike out ‘two,’ in line —, and insert ‘one’ in lieu thereof.”

On motion of Mr. Sharborough the same was tabled.

On motion of Mr. Gardner the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, Greaves, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, McGehee, Moore, Rowan, Sanders, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 33.

Nays—Messrs. Bailey and Seawright—Total 2.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Evans, George, Martin, Noel, Shelton, Ventress and Wharton—Total 10.

Title standing as stated.

The Chair announced the appointment of Mr. Greaves on the Judiciary and Finance Committees.

Leave of absence from day to day, on account of sickness, was granted to Mr. Martin.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 13, 1902.

To the Legislature of Mississippi.

GENTLEMEN: Upon request of the Chairman of the Appropriation Committee I have the honor to submit for your considera-

tion and such action as you may deem proper the following subjects, to-wit:

An Act to amend Section 3702 of the Code of 1892, in reference to the day fixed for the meeting of Presidential electors.

An Act to better provide for appointment of special judges and Chancellors in the State of Mississippi.

In view of the recent action taken by the Legislature in reference to canvassing and ascertaining the result of special State elections, I have the honor to submit for your consideration and such action as your wisdom may approve the matter of harmonizing Chapter 79 of the Acts of 1900 with Section 3685 of the Code of 1892 and Section 140 of the State Constitution as to vacancies in State offices that may occur between this time and the next sitting of the Legislature.

Respectfully,

A. H. LONGINO, *Governor*.

Mr. Jones obtained consent to withdraw from the Committee on Corporations H. B. No. 57, An Act to amend the "Anti-trust Law," passed at the 1900 term of the Legislature, and have the same referred to the Judiciary Committee.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being H. B. No. 48, An Act making an appropriation for the support, repairs, additional buildings, improvements and equipment of the Mississippi Agricultural and Mechanical College.

On motions the following three amendments to this bill, proposed by the committee, were severally adopted, viz.:

1st. Amend item No. 8 to read "Farmers' Institutes for 1902 and 1903, \$10,000."

2d. Amend item No. 9 to read "Scientific Library, Museum, Agricultural and Horticultural Hall, \$40,000."

3d. Amend item No. 16 to read, "Provided that the salary of no professor of said college shall be increased during the years 1902 and 1903, and provided the salary of the President shall not be increased to exceed the amount now being paid the Chancellor of the University of Mississippi, or the President of the Industrial Institute and College at Columbus, Miss."

To the bill as amended the following amendment, offered by Mr. Dent of the Sixteenth was adopted, viz.:

Amend by adding after the words in sixth line, page 2, these words, "and as the law directs with reference to the interest."

Whereupon, on motion of Mr. Bailey, the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner,

Greaves, George, Heard, Hicks, Hinton, Hughes, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Wilson, Yarbrough, Young—Total 35.

Nays—Mr. Jones—Total 1.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Evans, Martin, Shelton, Taylor, Ventress and Wharton—Total 9.

Title standing as stated.

Mr. Dulaney obtained consent to call up out of order, under a suspension of the rules, S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County.

Mr. Hughes called the previous question on the passage of the bill.

The call was sustained.

Whereupon the bill was considered engrossed, read a third time, and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bradley, Campbell, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Greaves, Heard, Hicks, Hinton, Hughes, Kiger, Martin, McGehee, Noel, Sanders, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 28.

Nays—Messrs. Abbay, Bailey, Cayce, Farley, Jones, Looney, Rowan—Total 7.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Evans, Key, Moore, Seawright, Shelton, Ventress and Wharton—Total 10.

Title standing as stated.

Mr. Chrisman entered a motion to reconsider the vote whereby the bill passed.

INTRODUCTION OF BILLS OUT OF ORDER.

Under a suspension of the rules, S. B. No. 82, An Act to amend Section 2 of Chapter 79, Acts 1900, was introduced by Mr. George, read twice and referred to Judiciary Committee.

Mr. Kiger called up for consideration S. B. No. 17, An Act to make an appropriation to defray the expenses of the State Board of Health for the years 1902 and 1903, and called the previous question upon the passage of the bill.

The call was sustained.

Whereupon the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, George, Greaves, Heard, Hicks, Hinton, Hughes, Jones,

Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Sheppard, Wilson, Yarbrough, Young—Total 29.

Nays—Messrs. Farley, Sharborough, Taylor—Total 3.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Cooper, Dent of the Fourth District, Evans, Gardner, Key, Moore, Seawright, Shelton, Ventress and Wharton—Total 13.

Title standing as stated.

At 1.20 P. M., on motion of Mr. Dunn, the Senate took a recess until 4 o'clock this afternoon.

AFTERNOON SESSION.

The Senate convened at 4 P. M., President Harrison in the chair. A quorum present.

Mr. Dunn called up for consideration H. B. No. 32, An Act making an appropriation to defray the expenses of the East Mississippi Insane Hospital for the years 1902 and 1903, and for other purposes.

The committee proposed the following amendment to the bill, viz.:

Amend by striking out "two" and inserting "one" in 21st line, and by striking out "\$2,000" and inserting "\$1,000" in 23d line.

On motion of Mr. Dunn the same was tabled.

The following amendment, offered by the committee, was adopted, viz.:

Amend by striking out "for new boilers, \$2,250," interlineation between the 24th and 25th lines.

Whereupon the bill as amended was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Dent of Sixteenth District, Dunn, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Jones, Key, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Wharton, Wilson, Young—Total 28.

Absent and those not voting—Messrs. Abbay, Broyles, Chrisman, Clinton, Cooper, Crawford, Dent of the Fourth District, Dulaney, Evans, Heard, Hughes, Kiger, Moore, Shelton, Taylor, Ventress, and Yarbrough—Total 17.

Title standing as stated.

RESOLUTION.

The following resolution, offered by Mr. Gardner, was on motion adopted, viz.:

WHEREAS, There is an unusually large amount of legislation pending and a great number of bills to be acted upon during the remaining few days of this session; and,

WHEREAS, It is important that Senators may promptly have written all reports and other matters referred to them; therefore,

Resolved by the Senate, That the Secretary be authorized and instructed to secure a stenographer in addition to the one employed by himself, whose duty it shall be to promptly typewrite all matters Senators may have touching legislative business, and that the said Secretary be allowed \$3 per day, per working day, during the remainder of this session for the purpose above named, which said amount shall be paid from the Senate contingent fund as other allowances from said fund are paid.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 52, An Act to appropriate money to defray the expenses incident to penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee and of Sergeant-at-Arms for service of process issued by said committee, and compensation of stenographer employed by said committee.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bill read by its title and signed the same, calling the attention of the Senate thereto.

Mr. George called up the motion heretofore entered to reconsider the vote whereby S. B. No. 45, An Act to amend Section 3952 of the Annotated Code of Mississippi, 1892, so as to fix the salary of the Secretary of the Railroad Commission at the sum of fifteen hundred dollars, heretofore failed to pass, and moved to reconsider the vote, which motion prevailed.

Mr. George moved to amend by striking out "\$1,500" and inserting in lieu thereof "\$1,200," which motion prevailed.

Thereupon the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Greaves, Hicks, Looney, McGehee, Noel, Rowan, Sharborough, Sheppard, Taylor, Yarbrough, Young — Total, 23.

Nays — Messrs. Bailey, Campbell, Farley, Hinton, Jones, Key, Sanders, Seawright, Wilson — Total 9.

Absent and those not voting — Messrs. Broyles, Clinton, Cooper, Dent of Fourth District, Evans, Heard, Hughes, Kiger, Martin, Moore, Shelton, Ventress and Wharton — Total 13.

Title standing as stated.

On motion the title was amended by striking out the word "fifteen" in last line, and inserting the word "twelve."

The Secretary was authorized to transmit this bill to the House at once.

Mr. Crawford called up for consideration S. C. R. No. 14. To amend Section 85 of the State Constitution so that uniformity in the method of working the public roads of the State may be enforced.

On motion of Mr. Crawford the resolution was read in full and passed its first day and reading by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Crawford, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Jones, Looney, McGehee, Noel, Rowan, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 26.

Nays—Mr. Key—Total 1.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Heard, Hughes, Kiger, Martin, Moore, Sanders, Shelton, Ventress and Wharton—Total 18.

Title standing as stated.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills, has this day presented to his Excellency the Governor for his approval the following entitled bill, which was correctly enrolled and signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 52, An Act to appropriate money to defray the expenses incident to penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee and of Sergeant-at-Arms for service of process issued by said committee and compensation of stenographer employed by said committee

Mr. Young called up S. B. No. 81, An Act to validate and confirm the proceedings of the Nashville & Mississippi Delta Railroad Company and to authorize the Directors of said Company to proceed under the provisions of its charter to construct a railroad in Mississippi.

On motion of Mr. Young the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dunn, Farley, Gardner, George, Greaves, Hicks, Hinton, Jones, Key, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 29.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Cooper, Dent of Fourth District, Dulaney, Evans, Falkner, Heard, Hughes, Kiger, Martin, Moore, Shelton, Ventress and Wharton—Total 16.

Title standing as stated.

The Secretary was authorized to transmit this bill to the House as soon as practicable.

Mr. Campbell called up S. C. R. No. 12, a concurrent resolution of the Legislature of the State of Mississippi proposing to amend the Constitution of the State by abrogating therefrom Sections 118 and 166 so as to relieve the Legislature from the restrictions thereby imposed in regard to the salaries of the Governor, Judges and Chancellors.

On motion of Mr. Campbell the bill was read in full and passed its third day and reading by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Crawford, Dulaney, Falkner, Farley, Gardner, George, Greaves, Hicks, Jones, Key, Looney, McGehee, Moore, Noel, Rowan, Sanders, Taylor, Yarbrough, Young—Total 26.

Nays—Messrs. Bradley, Dunn, Hinton, Seawright, Sharborough, Sheppard, Wilson—Total 7.

Absent and those not voting—Messrs. Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Evans, Heard, Hughes, Kiger, Martin, Shelton, Ventress and Wharton—Total 12.

Title standing as stated.

The Secretary was authorized to transmit this resolution to the House as early as practicable.

The following resolution, offered by Mr. Bradley, was adopted, viz.:

Resolved, That the State House Commission be requested to immediately furnish for the information of the Senate the amount of fire insurance now in force which has been heretofore carried on the new State house, as required by Section 13, Chapter 55, Act 1900.

Mr. Looney called up H. B. No. 86, An Act to make an appropriation to pay A. W. Jones of Prentiss County balance on pension due him for the year 1899.

On motion of Mr. Looney the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Yarbrough, Young—Total 30.

Absent and those not voting—Messrs. Abbay, Clinton, Cooper, Crawford, Dulaney, Evans, Heard, Kiger, Martin, Moore, Noel, Shelton, Ventress, Wharton and Wilson—Total 15.

Title standing as stated.

Mr. George in the chair.

Mr. Brantly called up H. B. No. 11, An Act to create the Exposition Bureau, to provide for an exhibition at the Louisiana Purchase Exposition and to make an appropriation therefor.

On motion of Mr. Bradley the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough—Total 32.

Nays—Messrs. Bailey, Chrisman, Farley—Total 3.

Absent and those not voting—Messrs. Clinton, Cooper, Evans, Heard, Kiger, Martin, Shelton, Ventress, Wharton and Young—Total 10.

Title standing as stated.

Mr. Sharborough moved to reconsider the vote whereby the bill passed.

Mr. Bradley called up H. B. No. 44, An Act to pay for legal services rendered the State in the suit of Warren County et al. vs. E. H. Nall, Land Commissioner.

On motion of Mr. Bradley the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Greaves, Hicks, Hughes, Jones, Key, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 32.

Nays—Messrs. Broyles, and Chrisman—Total 2.

Absent and those not voting—Messrs. Clinton, Crawford, Evans, Heard, Hinton, Kiger, Martin, Seawright, Shelton, Ventress and Wharton—Total 11.

Title standing as stated.

Mr. Dunn in the chair.

The courtesies of the Senate were extended to Hons. Murray F. Smith of Warren, O. M. Dunn of the I. C. R. R., and Mr. A. W. Cooper of Scott County.

Mr. Sanders called up S. B. No. 71, An Act to provide for a State Geologist and for a Geological survey of the State.

Mr. Hughes called the previous question on the passage of the bill.

The call was sustained, whereupon the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Broyles, Cayce, Campbell, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Farley, Gardner, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Noel, Rowan, Sanders, Sharborough, Taylor, Yarbrough, Young—Total 28.

Nays—Mr. Cooper—Total 1.

Absent and those not voting—Messrs. Abbay, Clinton, Crawford, Dulaney, Evans, George, Heard, Kiger, Martin, Moore,

Seawright, Shelton, Sheppard, Ventress, Wharton and Wilson—Total 16.

Title standing as stated.

The Secretary was authorized to transmit the bill to the House as soon as practicable.

Mr. Bradley called up H. B. No. 14, An Act to appropriate \$2,500 in the year 1902 and \$1,500 for the year 1903 for the Confederate Hospital Annex at Vicksburg, Miss., and to provide for the distribution of the same.

The following amendment, proposed by the committee, was on motion adopted, viz.:

Amend Section 1, first line, to read: "Be it enacted by the Legislature of Mississippi," and last word of said section to read "Mississippi" instead of "Miss."

The bill as amended was thereupon read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, Greaves, Hicks, Hinton, Jones, Looney, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Wilson, Yarbrough, Young—Total 29.

Absent and those not voting—Messrs. Clinton, Cooper, Crawford, Evans, Farley, George, Heard, Hughes, Key, Kiger, Martin, Shelton, Sheppard, Taylor, Ventress and Wharton—Total 16.

On motion of Mr. Bradley the title was amended by inserting the word "Mississippi" in lieu of the word "Miss." after the word "Vicksburg," whereupon the title as amended was adopted.

SENATE BILLS ON THIRD READING.

S. B. No. 35, An Act making an appropriation for the support, repairs and improvements of the Mississippi Agricultural and Mechanical College.

On motion of Mr. Bradley the bill was indefinitely postponed.

S. B. No. 43, An Act making an appropriation to pay Mrs. D. W. Hurst, widow of D. W. Hurst, for services rendered by D. W. Hurst as Judge of High Court of Errors and appeals of the State from the 1st day of April, 1865, to the 13th day of July, 1865, inclusive.

On motion of Mr. McGehee the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Broyles, Cayce, Chrisman, Dent of Fourth District, Dulaney, Dunn, Gardner, Greaves, Hicks, Hughes, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Taylor, Wilson, Yarbrough, Young—Total 25.

Nays—Messrs. Bailey, Campbell, Dent of Sixteenth District, Falkner, Farley, Hinton, Jones, Key, Sharborough—Total 9.

Absent and those not voting—Messrs. Clinton, Cooper, Craw-

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 39.

Absent—Messrs. Broyles, Clinton, Evans, Heard, Kiger, and Shelton—Total 6.

On motion of Mr. Crawford the reading of yesterday's journal was dispensed with and same stood approved.

Leave of absence from day to day, on account of sickness, was granted Messrs. Kiger and Broyles.

Mr. Crawford obtained consent to call up S. C. R. No. 14, a Senate Concurrent Resolution to amend Section 85 of the State Constitution so that uniformity in the method of working the public roads of the State may be enforced.

On motion of Mr. Crawford the resolution was read in full and passed its second day and reading by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dulaney, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Jones, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 31.

Nays—Messrs. Hughes and Key—Total 2.

Absent and those not voting—Messrs. Bailey, Broyles, Clinton, Cooper, Dent of Sixteenth District, Dunn, Evans, Heard, Kiger, Martin, Sharborough, and Shelton—Total 12.

Title standing as stated.

Mr. Dulaney called up the motion heretofore entered to reconsider the vote whereby S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County, passed the Senate and moved the same be tabled, which motion prevailed.

On motion the Secretary was instructed to transmit the bill to the House as soon as possible.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Public Health and Quarantine:

MR. PRESIDENT: The Committee on Public Health and Quarantine has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 47, An Act to amend Section 6 of Chapter 15 of the Acts of 1897, in reference to the collection and publication of vital, mortuary and sanitary statistics.

to repeal Chapter 96 of the Annotated Code, Chapter 129 of the Laws of 1896, and Chapter 90 of the Laws of 1896.

Respectfully,

J. J. COMAN, *Private Secretary*.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 13, 1902.

MR. PRESIDENT: I am directed by his Excellency the Governor to inform the Senate that he has this day approved the following bills, to-wit:

S. B. No. 52, An Act to appropriate money to defray the expense incident to investigation of penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnessess before said committee, and of Sergeant-at-Arms for service of process issued by said committee, compensation of stenographer employed by said committee and payment of incidental expenses incurred and to be incurred by said committee.

Respectfully,

J. J. COMAN, *Private Secretary*.

Mr. Campbell, upon his request, was excused from the Committee on Contingent Expenses, whereupon the President appointed Mr. Greaves on said committee in his stead.

At 6.05 P. M., on motion of Mr. Dunn, the Senate went into executive session with closed doors.

At 6.10 P. M. the Senate resumed legislative business with open doors.

Mr. Cayce called up H. B. No. 35, An Act to transfer to the office of the Land Commissioner all State land records, all lease land records, and all other land records, except assessment rolls, now in the Auditor's office, and to repeal Sections 3815, 3837, 3857, 3858, 3859, 3863, 3864, 3865 and 3866 of the Annotated Code of 1892.

Pending consideration of the bill, at 6.15 P. M., on motion of Mr. Hicks, the Senate adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

TWENTY-NINTH DAY.

FRIDAY, February 14, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 39.

Absent—Messrs. Broyles, Clinton, Evans, Heard, Kiger, and Shelton—Total 6.

On motion of Mr. Crawford the reading of yesterday's journal was dispensed with and same stood approved.

Leave of absence from day to day, on account of sickness, was granted Messrs. Kiger and Broyles.

Mr. Crawford obtained consent to call up S. C. R. No. 14, a Senate Concurrent Resolution to amend Section 85 of the State Constitution so that uniformity in the method of working the public roads of the State may be enforced.

On motion of Mr. Crawford the resolution was read in full and passed its second day and reading by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dulaney, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Jones, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 31.

Nays—Messrs. Hughes and Key—Total 2.

Absent and those not voting—Messrs. Bailey, Broyles, Clinton, Cooper, Dent of Sixteenth District, Dunn, Evans, Heard, Kiger, Martin, Sharborough, and Shelton—Total 12.

Title standing as stated.

Mr. Dulaney called up the motion heretofore entered to reconsider the vote whereby S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County, passed the Senate and moved the same be tabled, which motion prevailed.

On motion the Secretary was instructed to transmit the bill to the House as soon as possible.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Public Health and Quarantine:

MR. PRESIDENT: The Committee on Public Health and Quarantine has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 47, An Act to amend Section 6 of Chapter 15 of the Acts of 1897, in reference to the collection and publication of vital, mortuary and sanitary statistics.

Title sufficient ; bill do not pass, but that committee substitute do pass.
SHEPPARD, *Chairman*.

Report of Judiciary Committee:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bills referred to it, and has instructed me to report them back with the following recommendations:

S. B. No. 66, An Act to amend Section 1714 of the Annotated Code of 1892, relative to costs in proceedings to establish escheats, so as to provide for the allowance and payment of commissions and attorneys' fees in such proceedings, and for the payment of costs in cases in which the personal estate is insufficient.

Title sufficient ; bill do pass.

S. B. No. 82, An Act to amend Section 2 of Chapter 79, Acts 1900.

Title sufficient ; bill do pass.

R. B. CAMPBELL, *Acting Chairman*.

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 69, An Act to authorize the Board of Supervisors of Simpson County to invest its court house and jail fund.

H. B. No. 124, An Act to be entitled An Act to authorize and empower the Board of Supervisors of Tippah County to loan the Sixteenth Section or Chickasaw school fund to the common county fund at an annual rate per cent interest to be fixed by said Board.

H. B. No. 127, An Act to authorize the Board of Supervisors of Yazoo County to transfer from the special road fund of said county to the general fund of said county the sum of \$6,461.39.

H. B. No. 102, An Act to empower the Board of Supervisors of Perry County to order an election for the purpose of submitting to the qualified electors of said county the removal of the seat of justice of the First District of said county.

And your committee recommend that the titles to the foregoing bills are sufficient and that the bills do pass. For in the opinion of your committee the courts can not grant relief sought nor can it be advantageously provided for by general legislation.

A. W. DENT, *Acting Chairman*.

Report of Committee on Humane and Benevolent Institutions:

MR. PRESIDENT: The Committee on Humane and Benevolent Institutions has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 113, An Act to provide for the support and maintenance of the Natchez Hospital by appropriation.

Title sufficient; do pass.

SAM HINTON, *Secretary*.

Report of Committee on Conference appointed on the disagreement between the Senate and House on S. B. No 16:

MR. PRESIDENT: The Committee on Conference appointed on the disagreement between the Senate and House has had under consideration S. B. No. 16, entitled An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903, and for buildings and equipment needed, and has instructed me to report it back with the following recommendations:

That the House recede from its amendment striking out \$20,000 for the building of training school, and \$10,000 for the expenses of the same for the year 1902, and \$10,000 for the year 1903, also that the House recede from its amendment prohibiting coeducation at the University of Mississippi; that the Senate concur in the House amendment as follows, to-wit:

The amendment striking out the item of \$10,000 for a geological survey of the State.

That the Senate also concur in the House amendment reducing the item of \$40,000 for buildings and general use to \$30,000.

Report of Committee on Agriculture, Commerce and Manufactures:

MR. PRESIDENT: The Committee on Agriculture, Commerce and Manufactures has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 73, An Act authorizing the Board of Supervisors of any county in the State to order an extra assessment of the land therein.

Title sufficient; that bill do pass.

BAILEY, *Chairman*.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 46, To be entitled An Act making an appropriation for the equipment and support of the Branch Agricultural Experiment Station at McNeill, Mississippi.

H. B. No. 110, To be entitled An Act to amend Section 921 of the Code of 1892, with reference to special judges, and to require Judges and Chancellors to sit anywhere in the State.

H. B. No. 120, To be entitled An Act to amend Section 613 of the Annotated Code, and also to amend Chapter 86 of the Laws

of 1900 for the purpose of extending the time for holding terms of the Circuit Court in the Fourth Circuit Court District, and to provide for terms of the Circuit Court in the Second Circuit Court District of Tallahatchie County.

H. B. No. 121, To be entitled An Act to create the Eleventh Circuit Court District of Mississippi, and fix the time for holding courts therein.

H. B. No. 128, To be entitled An Act to amend Section 1300 of the Annotated Code of 1892 in regard to injury to telegraph lines, so as to make the provisions of said section apply to telephone lines.

H. B. No. 157, To be entitled An Act to amend Section 455 of the Code of 1892, as amended by Chapter 84 of the Laws of 1900 in relation to terms of Chancery Court in the Seventh Chancery Court District, so as to change and fix the time for holding Chancery Courts in the County of Tallahatchie.

S. B. No. 3, To be entitled An Act to prevent unintended defeat of criminal prosecutions, and of enforcement of penalties by statutory changes of criminal laws.

S. B. No. 27, To be entitled An Act to repeal Section 1575 of the Annotated Code of 1892 relating to the granting of licenses to retail vinous, malt, alcoholic, intoxicating or spirituous liquors by Boards of Supervisors, and to amend Section 1576 of the Annotated Code of 1892 relating to the granting of licenses to retail liquors by Boards of Mayor and Aldermen of cities, towns or villages.

S. B. No. 59, To be entitled An Act to amend Section 3952 of the Annotated Code of 1892 relative to salaries, and also an Act to amend said section of said Code so far as same relates to the salary of Governor's Private Secretary, etc., being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of Governor from \$3,500 to \$5,000, and the salary of each of the Supreme Judges from \$3,500 to \$5,000, with accompanying amendment.

And has also concurred in Senate amendments to House Bill No. 64, To be entitled An Act making an appropriation to carry out the provisions of Chapter 76 of the Laws of the State of Mississippi of 1900, being an Act entitled an Act to enable the Auditor of Public Accounts and Land Commissioner of the State of Mississippi to properly conduct the affairs of their respective offices, and to correct mistakes in land descriptions and land sales, and provide relief in repayment of moneys erroneously paid in privileges and State taxes and land purchases, and to save the State costs in passing bills for relief by local and private legislation in certain cases.

And has also concurred in Senate amendments to House Bill No. 42, To be entitled An Act to raise revenue by making valid and of binding effect all contracts made previous to the passage of this act, and subsequent to March 1, 1900, which are or were

null and void, or voidable under previous or existing laws because of non-payment of privilege taxes due when such contracts were made, upon terms of full payment of all such privilege taxes so in default with two hundred per centum damages thereon, within sixty days after the passage of this act.

L. PINK SMITH, *Clerk*.

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the Calendar were read twice, under a suspension of the rules, and referred to committee as follows, viz.:

H. B. No. 46, An Act making an appropriation for the equipment and support of the Branch Agricultural Experiment Station at McNeill, Mississippi.

To Agriculture, Commerce and Manufactures.

H. B. No. 110, An Act to amend Section 921 of the Code of 1892 with reference to special judges, and to require Judges and Chancellors to sit anywhere in the State.

To Judiciary.

H. B. No. 120, An Act to amend Section 613 of the Annotated Code, and also to amend Chapter 86 of the Laws of 1900 for the purpose of extending the time for holding terms of the Circuit Courts in the Fourth Circuit Court District, and to provide for terms of the Circuit Court in the Second Circuit Court District of Tallahatchie County.

To Judiciary.

H. B. No. 121, An Act to create the Eleventh Circuit Court District of Mississippi, and fix the time for holding courts therein.

To Judiciary.

H. B. No. 128, An Act to amend Section 1300 of the Annotated Code of 1892 in regard to injury to telegraph lines so as to make the provisions of said section apply to telephone lines.

To Judiciary.

H. B. No. 157, An Act to amend Section 455 of the Code of 1892 as amended by Chapter 84 of the Laws of 1900 in relation to terms of Chancery Court in the Seventh Chancery Court District, so as to change and fix the time for holding Chancery Courts in the County of Tallahatchie.

To Judiciary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 27, An Act to repeal Section 1575 of the Annotated Code of 1892, relating to the granting of licenses by Boards of Supervisors to retail vinous, alcoholic, malt, intoxicating and

spirituous liquors, and to amend Section 1576 of the Code of 1892 relating to the granting of licenses to retail liquors by Boards of Mayor and Aldermen in cities, towns or villages.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bill read by its title, and signed the same, calling the attention of the Senate thereto.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bill, and now present it for your signature, to-wit:

S. B. No. 3, An Act to prevent unintended defeat of criminal prosecutions and of enforcement of penalties by statutory changes of criminal laws.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bill read by its title and signed the same, calling the attention of the Senate thereto.

Mr. Farley in the chair.

Mr. Abbay called up S. B. No. 79, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds for the purpose of refunding its outstanding bonded indebtedness at a lower rate of interest.

On motion of Mr. Abbay the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 30.

Absent and those not voting—Messrs. Adams, Broyles, Cayce, Clinton, Crawford, Evans, Falkner, Gardner, Heard, Kiger, Martin, Moore, Noel, Shelton, Sheppard—Total 15.

Title standing as stated.

Mr. Abbay called up S. B. No. 77, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds to amount not exceeding \$250,000 for the purpose of raising funds for high water emergencies and for other purposes.

On motion of Mr. Abbay the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Taylor, Ventress, Wharton, Wilson, Young—Total 33.

Absent and those not voting—Messrs. Broyles, Cayce, Clinton, Crawford, Dunn, Evans, Heard, Kiger, Martin, Sharborough, Shelton, and Yarbrough—Total 12.

Title standing as stated.

Mr. Abbay called up S. B. No. 78, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to borrow money for certain purposes authorized by law, and to issue its debentures therefor.

On motion of Mr. Abbay the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Rowan, Sanders, Seawright, Sharborough, Sheppard, Ventress, Wharton, Wilson, Yarbrough, Young—Total 30.

Absent and those not voting—Messrs. Adams, Broyles, Cayce, Clinton, Crawford, Evans, Falkner, Gardner, Heard, Kiger, Martin, Moore, Noel, Shelton and Taylor—Total 15.

Title standing as stated.

Mr. Moore called up S. B. No. 72, An Act to provide for the maintenance of the Department of Archives and History and for the issuing of future publications by the Mississippi Historical Society.

On motion of Mr. Moore the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Taylor, Ventress, Wharton, Wilson, Young—Total 32.

Nays—Mr. Cooper—Total 1.

Absent and those not voting—Messrs. Bradley, Broyles, Clinton, Crawford, Dunn, Evans, Heard, Key, Kiger, Sharborough, Shelton and Yarbrough—Total 12.

Title standing as stated.

On motion of Mr. Adams the Secretary was authorized to transmit this bill to the House without delay.

Mr. Abbay called up S. B. No. 76, An Act to authorize and empower the Board of Levee Commissioners for the Yazoo-Mississippi Delta to levy a tax upon all privileges exercised within said district.

On motion of Mr. Abbay the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Campbell, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney,

McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Wilson, Yarbrough—Total 25.

Nays—Mr. Ventress—Total 1.

Absent and those not voting—Messrs. Adams, Bailey, Bradley, Broyles, Cayce, Clinton, Cooper, Crawford, Dunn, Evans, Falkner, Heard, Kiger, Martin, Sharborough, Shelton, Taylor, Wharton and Young—Total 19.

Title standing as stated.

Mr. Abbay called up S. B. No. 74, An Act to repeal so much of an Act entitled An Act to relieve the Delta Bank of Greenwood, Miss., from double taxation, and to refund to it certain taxes overpaid, approved March 9, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank the sum of \$643.04.

On motion of Mr. Abbay Hon. S. C. Cook, the attorney of the Levee Board, affected by above bill, was permitted to address the Senate on the provisions of said bill.

Mr. Cook accordingly addressed the Senate on the said matter.

On motion of Mr. Abbay the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Campbell, Chrisman, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Rowan, Sanders, Sharborough, Sheppard, Ventress, Yarbrough, Young—Total 24.

Absent and those not voting—Messrs. Adams, Bradley, Broyles, Cayce, Clinton, Cooper, Crawford, Dent of the Fourth District, Evans, Falkner, George, Heard, Kiger, Martin, Moore, Noel, Seawright, Shelton, Taylor, Wharton and Wilson—Total 21.

Title standing as stated.

Mr. Gardner entered a motion to reconsider the vote whereby the bill passed.

Mr. Abbay called up S. B. No. 75, An Act to repeal so much of Section 2 of an Act entitled An Act to relieve the Bank of Greenwood, of Greenwood, Miss., from double taxation, and to refund to it certain taxes overpaid, approved March 6, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank \$492.05.

On motion of Mr. Abbay the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Chrisman, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Rowan, Sanders, Sharborough, Sheppard, Yarbrough, Young—Total 24.

Absent and those not voting—Messrs. Adams, Broyles, Cayce, Clinton, Cooper, Crawford, Dent of the Fourth District, Evans,

Falkner, George, Heard, Kiger, Martin, Moore, Noel, Seawright, Shelton, Taylor, Ventress, Wharton and Wilson—Total 21.

Title standing as stated.

Mr. Gardner entered a motion to reconsider the vote whereby the bill passed the Senate.

Mr. Hicks obtained consent to a suspension of the rules for the consideration out of order of H. B. No. 127, An Act to authorize the Board of Supervisors of Yazoo County to transfer from the special road fund of said county, to the general fund of said county the sum of \$6,461.39, reported this morning.

On motion of Mr. Hicks the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Campbell, Chrisman, Cooper, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Greaves, Hicks, Hinton, Jones, Key, Looney, McGehee, Rowan, Sanders, Sharborough, Taylor, Ventress, Yarbrough, Young—Total 25.

Absent and those not voting—Messrs. Adams, Bradley, Broyles, Chrisman, Clinton, Crawford, Dent of the Fourth District, Evans, Falkner, Heard, Hughes, Kiger, Martin, Moore, Noel, Seawright, Shelton, Sheppard, Wharton and Wilson—Total 20.

Title standing as stated.

Mr. George in the chair.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of unfinished business, being H. B. No. 35, An Act to transfer to the office of the Land Commissioner all State land records, all levee land records, and all other land records except assessment rolls, now in the Auditor's office, and to repeal Sections 3815, 3839, 3857, 3858, 3859, 3863, 3864, 3865 and 3866 of the Annotated Code of 1892.

On motion of Mr. Bradley the bill was recommitted to the Judiciary Committee.

Mr. Dent of the Sixteenth District moved to reconsider the vote whereby the bill was recommitted to Judiciary Committee, which motion prevailed.

Whereupon the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Moore, Noel, Rowan, Sanders, Seawright, Taylor, Yarbrough—Total 27.

Absent and those not voting—Messrs. Bailey, Broyles, Clinton, Cooper, Crawford, Evans, Falkner, Greaves, Heard, Key, Kiger, Sharborough, Shelton, Sheppard, Ventress, Wharton, Wilson and Young—Total 18.

Title standing as stated.

Mr. Bradley called up H. B. No. 62, An Act making appropriation for the maintenance and support of the Alcorn Agricultural and Mechanical College and for the erection of additional buildings for the use of the students of said college.

The following amendment, offered by Mr. Dunn, was adopted, viz.:

Amend Section 1 by adding at the end of said section the following: "Provided the amounts herein appropriated for the payment of interest on agricultural lands script fund, and on funds from sale of college lands, shall be paid only as said interest shall fall due as provided by Section 212 of the Constitution, viz.: On the first day of May and November in the year 1902, and on the first day of May and November, 1903, and the same shall be used by the trustees of said college in the support and maintenance of said college."

Whereupon, on motion of Mr. Bradley, the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Hicks, Jones, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Yarbrough, Young—Total 28.

Nays—Mr. Hughes—Total 1.

Absent and those not voting—Messrs. Bailey, Broyles, Clinton, Cooper, Crawford, Evans, Falkner, Greaves, Heard, Hinton, Key, Kiger, Shelton, Sheppard, Wharton and Wilson—Total 16.

Title standing as stated.

The Chair announced the appointment of Mr. Rowan on the committee to investigate State officers.

Mr. Dent of the Fourth District called up under a suspension of the rules S. B. No. 69, An Act to authorize the Board of Supervisors of Simpson County to invest its court house and jail fund, reported this morning.

On motion of Mr. Dent of the Fourth District the rules were suspended, the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Hicks, Hinton, Hughes, Jones, Looney, Martin, McGehee, Moore, Noel, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wilson, Yarbrough—Total 31.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Crawford, Evans, Falkner, Greaves, Heard, Key, Kiger, Rowan, Shelton, Wharton and Young—Total 14.

Title standing as stated.

On motion of Mr. Campbell, S. B. No. 24, An Act to regulate fire insurance and other companies, was made the special order for 3 o'clock this afternoon.

INTRODUCTION OF BILL OUT OF ORDER.

Under a suspension of the rules S. B. No. 83, An Act to amend Section 3952 of the Annotated Code of 1892, and Chapter 38 of the Laws of Mississippi of 1900, so far as the same relates to the salary of the Governor's Private Secretary, and increasing the salary of the Governor's Private Secretary to the sum of fifteen hundred dollars per annum, was introduced by Mr. Taylor out of order, and referred to Finance Committee.

Mr. Jones called up for consideration H. B. No. 45, An Act to amend Section 1991 of the Annotated Code, 1892, so as to graduate the salaries of Clerks of the Chancery Courts for *ex-officio* services rendered.

Pending consideration of the foregoing bill, at 1.10 P. M., on motion of Mr. Gardner, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 P. M. by President Harrison, a quorum being present.

Mr. George called up under a suspension of the rules S. B. No. 82, An Act to amend Section 2 of Chapter 79, Acts 1900.

On motion of Mr. George the rules were suspended and the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 34.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Cooper, Crawford, Dulaney, Evans, Heard, Kiger, Moore, Shelton—Total 11.

Title standing as stated.

The Secretary was authorized to transmit this bill to the House as soon as practicable.

Mr. Bradley in the chair.

Mr. Sanders called up S. B. No. 70, An Act authorizing the Board of Supervisors of Attala County to loan fifteen hundred dollars from the general county fund to the school fund.

On motion of Mr. Sanders the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District,

Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 33.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Cooper, Crawford, Dulaney, Dunn, Evans, Heard, Kiger, Moore and Shelton—Total 12.

Title standing as stated.

The Secretary was authorized to transmit this bill to the House as soon as practicable.

The courtesies of the Senate were extended to Hons. A. McC. Kimbrough of Leflore and Mr. Cowles E. Horton of Grenada.

Mr. Sheppard obtained consent to a suspension of the rules for consideration out of order of H. B. No. 102, An Act to empower the Board of Supervisors of Perry County to order an election for the purpose of submitting to the qualified electors of said county the removal of the seat of justice of the first district of said county.

On motion of Mr. Sheppard the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Rowan, Sanders, Seawright, Sharborough, Sheppard, Ventress, Wharton, Wilson, Yarbrough, Young—Total 31.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Cooper, Crawford, Dulaney, Dunn, Evans, Heard, Kiger, Moore, Noel, Shelton and Taylor—Total 14.

Title standing as stated.

Mr. Sheppard in the chair.

Mr. Falkner called up the report of the conference committee on S. B. No. 15, An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903 for buildings and equipment needed, and moved that the same be adopted, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Adams, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 31.

Absent and those not voting—Messrs. Abbay, Bailey, Broyles, Clinton, Cooper, Crawford, Dulaney, Evans, Heard, Kiger, Moore, Noel, Shelton and Ventress—Total 14.

Title standing as stated.

Mr. Jones called up, under a suspension of the rules, H. B. No. 124, An Act to be entitled An Act to authorize and empower the Board of Supervisors of Tippah County to loan the Sixteenth

Section or Chickasaw school fund to the common county fund at an annual rate per cent interest to be fixed by said Board.

On motion of Mr. Jones the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Rowan, Sanders, Seawright, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 31.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Cooper, Crawford, Dulaney, Evans, Heard, Kiger, Moore, Noel, Sharborough, Shelton and Ventress—Total 14.

Title standing as stated.

Mr. Chrisman called up for consideration and second reading S. C. R. No. 5, concurrent resolution submitting to the qualified electors of the State for ratification or rejection an amendment to the Constitution increasing the number of Supreme Court Judges.

On motion of Mr. Chrisman the resolution was read in full and passed its second day and reading by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Farley, Gardner, George, Hicks, Hughes, Jones, Looney, Martin, McGehee, Moore, Noel, Rowan, Taylor, Wharton, Yarbrough—Total 25.

Nays—Messrs. Dunn, Evans, Falkner, Greaves, Hinton, Key, Wilson, Young—Total 7.

Absent and those not voting—Messrs. Bradley, Broyles, Clinton, Cooper, Crawford, Evans, Heard, Kiger, Sanders, Seawright, Sharborough, Shelton and Ventress—Total 13.

Title standing as stated.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the unfinished business, being H. B. No. 45, An Act to amend Section 1991 of the Annotated Code of 1892 so as to graduate the salaries of Clerks of the Chancery Courts for *ex-officio* services rendered.

On motion of Mr. Jones the bill was made the special order of the day for 9.30 o'clock to-morrow morning.

REPORTS OF STANDING COMMITTEES OUT OF ORDER.

Report of the Judiciary Committee:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bill referred to it, and has instructed me to report it back with the following recommendations:

H. B. No. 57, An Act to secure the better enforcement of the anti-trust laws of this State by supplementary provisions more

fully regulating the venue and procedure, establishing certain rules of evidence, imposing additional penalties, and regulating the ownership and disposition of the property of corporations whose charters may be adjudged forfeited.

Title sufficient; bill do pass.

R. B. CAMPBELL, *Acting Chairman*.

Report of Committee on Public Works:

MR. PRESIDENT: The Committee on Public Works has had under consideration the following bills referred to it, and has instructed me to report them back with the following recommendations:

S. B. No. 42, An Act to appropriate funds for the proper furnishing and fitting of the new Capitol building and the various departments thereof, to lay off, fit and prepare the grounds around said building and to provide for the mode of expending said fund, to authorize the issuance of State bonds for the purpose of the proper furnishing and fitting of the new Capitol building and the various departments thereof, and to lay off, fit and prepare the grounds around said building, and to provide for the payment of the interest on said bonds.

Title sufficient; bill do not pass.

S. B. No. 67, An Act to appropriate money for the completion and furnishing of the new State house and for beautifying the grounds thereof and for the removal of the State's officials, archives and property to the said new State house.

Title sufficient; bill do pass with amendments; title insufficient as amended.

E. A. ROWAN, *Chairman*.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 108, An Act to authorize the issuance of State bonds for the purpose of completing the new State house and furnishing the same.

Title sufficient; do not pass.

BRADLEY, *Chairman*.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bill, which was correctly enrolled and signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 3, An Act to prevent unintentional defeat of criminal prosecution and of enforcement of penalties by statutory changes of criminal laws.

B. W. SHARBOROUGH, *Chairman*.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bill, which was correctly enrolled and signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 27, An Act to repeal Section 1575 of the Annotated Code of 1892, relating to the granting of licenses by Boards of Supervisors to retail vinous, alcoholic, malt, intoxicating and spirituous liquors, and to amend Section 1576 of the Code of 1892 relating to granting of licenses to retail liquors by Board of Mayor and Aldermen in cities, towns or villages.

B. W. SHARBOROUGH, *Chairman.*

Mr. Sharborough moved that H. B. No. 57, An Act to secure the better enforcement of the anti-trust laws of this State by supplementary provisions more fully regulating the venue and procedure, establishing certain rules of evidence, imposing additional penalties and regulating the ownership and disposition of the property of corporations whose charters may be adjudged forfeited, be made the special order for 9.30 o'clock Tuesday morning next.

Mr. Campbell moved to amend by setting same for Monday morning next, same hour.

The vote recurring on Mr. Sharborough's motion, the same prevailed.

Mr. Seawright in the chair.

Mr. Noel called up, under a suspension of the rules, H. B. No. 112, An Act to appropriate money for the purpose of resupplying the wards of the State Charity Hospital at Vicksburg with beds and bed clothing.

On motion of Mr. Noel the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Sixteenth District, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Jones, Key, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 29.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Cooper, Crawford, Dent of Fourth District, Dulaney, Dunn, Evans, Greaves, Heard, Hughes, Kiger, Moore, Shelton, and Ventress—Total 16.

Title standing as stated.

On motion of Mr. Campbell the following bills were indefinitely postponed, viz.:

S. B. No. 22, An Act to establish a separate department of Banking and Insurance.

S. B. No. 25, An Act to provide for the investigation of incendiary fires.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, viz.: S. B. No. 24, An Act to regulate fire insurance and other companies, was proceeded with.

On motion of Mr. Campbell a substitute, prepared by the committee, was substituted for the original bill.

On motion of Mr. Campbell the bill was ordered to be considered by sections.

On motions Sections 1 to 49 inclusive were severally adopted.

Pending consideration of Section 50, on motion of Mr. Dent of the Sixteenth District, the Senate, at 5.45 P. M., adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

THIRTIETH DAY.

SATURDAY, February 15, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Lee, Looney, Martin, McGehee, Meek, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Yarbrough, Young—Total 39.

Absent—Messrs. Broyles, Evans, Heard, Kiger, Shelton, and Wilson—Total 6.

On motion of Mr. Dunn the reading of the journal of yesterday was dispensed with and same stood approved.

On motion of Mr. Abbay, the motion heretofore entered to reconsider the vote whereby S. B. No. 74, An Act to repeal so much of an Act entitled An Act to relieve the Delta Bank of Greenwood, Miss., from double taxation, and to refund to it certain taxes overpaid, approved March 9, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank the sum of \$643.04, heretofore passed the Senate, was tabled.

On motion of Mr. Abbay the motion heretofore entered to reconsider the vote whereby S. B. No. 75, An Act to repeal so much of Section 2 of an Act to relieve the Bank of Greenwood,

of Greenwood, Miss., from double taxation and to refund to it certain taxes overpaid, approved March 6, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank \$492.05, passed the Senate, was tabled.

On motion of Mr. Sharborough Mr. Crawford was appointed as a special committee on the part of the Senate to act with the joint committee to investigate the affairs of the State penitentiary.

On motion of Mr. Falkner Mr. Adams was added to the Committee on Penitentiary and Prisons.

Mr. Martin in the chair.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 123, To be entitled An Act to amend Section 313, Chapter 17, of the Annotated Code of 1892, so as to authorize the Board of Supervisors to borrow from its County Treasurer and to authorize said Treasurer to lend said Board out of any fund or funds in the treasury thereof, not otherwise appropriated for the expenses of the current year, an amount of money not to exceed one hundred thousand dollars in one year.

H. B. No. 36, To be entitled An Act to require the several State officials hereinafter named to make guarantee or surety bonds, and to fix the penalty of the same, and to provide for the payment of the premiums of such bonds out of the State treasury, and to repeal all laws in conflict herewith.

S. B. No. 58, To be entitled An Act to provide for the appointment of an Assistant Attorney General, and to prescribe his qualifications, duties and compensation, with accompanying amendment.

Has also concurred in Senate amendment to House Bill No. 14, To be entitled an Act to appropriate \$2,500 in the year 1902, and \$1,500 for the year 1903, for the Confederate Hospital Annex at Vicksburg, Mississippi, and to provide for the distribution of the same.

And has adopted Senate Concurrent Resolution No. 15, authorizing joint committee to investigate penitentiary affairs to secure rooms in which to hold its sessions, granting permission to hold meetings during the session of the two Houses, and authorizing employment of all necessary clerical and other assistance in order to properly complete its labors.

L. PINK SMITH, *Clerk.*

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the Calendar were read twice and referred to committees as follows:

H. B. No. 36, An Act to require the several State officials hereinafter named to make guarantee or surety bonds, and to fix the

penalty of the same, and to provide for the payment of the premiums of such bonds out of the State treasury, and to repeal all laws in conflict herewith.

To Judiciary.

H. B. No. 123, An Act to amend Section 313 of Chapter 17 of the Annotated Code of 1892, so as to authorize the Board of Supervisors to borrow from its County Treasurer, and to authorize said Treasurer to loan said board out of any fund or funds in the treasury thereof not otherwise appropriated, for the expenses of the current year, an amount of money not to exceed one hundred thousand dollars in one year.

To Judiciary.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 31, An Act to provide for the support and maintenance of the State Charity Hospital at Vicksburg.

Title sufficient; bill do pass.

BRADLEY, *Chairman.*

Report of Committee on Humane and Benevolent Institutions:

MR. PRESIDENT: The Committee on Humane and Benevolent Institutions has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 61, An Act to make an appropriation to defray the expenses of the Institution for the Deaf and Dumb for the years 1902 and 1903.

Do pass as amended; title sufficient.

SAM HINTON, *Secretary.*

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 80, To be entitled An Act making an appropriation for the payment of fees due Critz & Beckett for legal services rendered the State in injunction suits against the Railroad Commission.

Title sufficient; bill do pass, for in the opinion of your committee the relief sought can not be obtained through the courts nor advantageously provided for by general law.

VENTRESS, *Chairman.*

Jan.	20.	Paid L. S. Hendricks, extra night watchman for treasury, for the month of December	40 00
Feb.	2.	Paid L. S. Hendricks, extra night watchman for treasury, for the month of January	40 00
Feb.	2.	Paid Western Union Telegraph Co., official messages	23 77
Feb.	2.	Paid Western Union Telegraph Co., official messages	3 01
Feb.	28.	Paid Miss Shingleur, stenographer, one month services clerical assistance to the Governor	40 00
March	1.	Paid Dr. Martin reward for the arrest of John Sasser, charged with murder..	150 00
Feb.	1.	Paid Postal Telegraph Co., official messages	2 15
Feb.	26.	Paid Cumberland Telephone Co., official messages	2 30
March	2.	Paid W. J. McGraw, extra night watchman for treasury, 23 nights in February, at \$40 per month.....	32 85
March	4.	Paid Frank Williams reward for the arrest of Fletcher Grady, a fugitive...	100 00
March	20.	Paid T. S. Broylans, detective, for work in murder cases in Jackson County, in attempt to procure evidence.....	23 30
March	21.	Paid Cumberland Telephone Co., official messages	1 15
March	25.	Paid James Ewing, special agent in the procurement of testimony in Gibson case	10 00
March	25.	Paid J. W. Cain for services in returning fugitive Gibson for trial.....	50 00
March	25.	Paid Attorney General's expenses to Scranton to aid the District Attorney in sundry State cases on account of the lynching of John Knox.....	75 00
April	1.	Paid Miss Shingleur, stenographer, for necessary clerical assistance to Governor	40 00
April	1.	Paid W. J. McGraw, extra night watchman for treasury for month of March	40 00
April	3.	Paid Western Union Telegraph Co., official messages	5 37
April	3.	Paid Cumberland Telephone Co., official messages	75
May	1.	Paid Percy Clifton, stenographer, in lynching at Scranton, under approval of the court.....	20 00

May	1.	Paid W. J. McGraw, extra night watchman for treasury, for the month of April	40 00
May	1.	Paid R. L. Hoyle, detective, to procure evidence in locating guilty parties in important matters to the State.....	115 00
May	16.	Paid Cumberland Telephone Co., official messages	2 20
May	27.	Paid W. J. McGraw, extra night watchman for treasury for month of May.	40 00
June	21.	Paid Cumberland Telephone Co., official messages	1 00
July	1.	Paid W. J. McGraw, extra night watchman for treasury for the month of June	40 00
July	5.	Paid Western Union Telegraph Co., official messages	4 92
July	12.	Paid Cumberland Telephone Co., official messages	2 25
August	3.	Paid expenses of assistants in counting money in State treasury.....	7 00
August	9.	Paid J. H. Pannell expenses in procurement of testimony incident to mysterious killing of two young men (Pannell and Pierce) in Copiah County	58 25
August	21.	Paid Miss Shingleur, stenographer, for clerical assistance to the Governor..	10 00
Sept.	3.	Paid expenses of assistants in counting money in State treasury.....	5 25
Sept.	3.	Paid C. N. Vaughn and J. R. Prince reward for arrest of Walter Crawford, a fugitive from justice.....	100 00
Sept.	21.	Paid Lieut.-Gov. J. T. Harrison for services as acting Governor during my absence from the State.....	97 00
Oct.	1.	Paid John Harris, extra night watchman for treasury, for 20 nights in September	26 65
Nov.	1.	Paid John Harris, same, for the month of October	40 00
Dec.	2.	Paid Miss Shingleur, stenographer, clerical assistance to the Governor....	10 00
Dec.	3.	Paid John Harris, extra night watchman for treasury, for November.....	40 00
Dec.	4.	Paid Jas. Ewing, detective, for services in connection with treasury investigation	52 00
Dec.	9.	Paid J. L. Brown reward for arrest of Wm. Lanier, escaped murderer.....	200 00

Dec.	20.	Paid J. R. McDowell, stenographer, for special clerical assistance to the Governor	50 00
Dec.	24.	Paid F. M. Lee reward for the arrest of John Bell, fugitive.....	150 00
Dec.	24.	Paid John Harris, extra night watchman for treasury for December.....	40 00
Dec.	24.	Paid A. H. Longino, two trips to New Orleans to confer with District Attorney as to prosecution of certain flagrant violations of law on the coast, viz.: Railroad fare, 4 ways, at \$5.50; hotel bills, 2 days at \$3....	28 00
Dec.	24.	Paid A. H. Longino, one trip to Magnolia to confer with Judge and District Attorney about certain prosecutions vitally concerning the State's interest in Pike and Amite Counties—Railroad fare 2 ways at \$2.25; hotel bill, 50 cents	5 00
Dec.	24.	Paid A. H. Longino, one trip to Carrollton, in matters of lynching—Railroad fare, 2 ways at \$2.65; hotel bill and hack hire, \$1.....	6 30
1902.			
Jan.	6.	Paid J. R. McDowell for special clerical assistance, December 18 to Jan. 6...	33 33
			<hr/>
			To total paid in 1901.....\$ 3,783 44
			To total paid in 1900..... 710 41
			To balance on hand in treasury.. 5,506 15
By amount of appropriation for 1900....			\$ 5,000 00
By amount of appropriation for 1901....			5,000 00
			<hr/>

\$10,000 00—\$10,000 00

Respectfully,

A. H. LONGINO, *Governor*.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of S. B. No. 24, An Act to regulate fire insurance and other companies, the matter pending at the hour of adjournment on yesterday.

On motion of Mr. Campbell the vote whereby Section 34 was heretofore adopted was reconsidered and the following amendment to said section, proposed by himself, was thereupon adopted, viz.:

"Add at the end of Section 34 the following: Each fire insurance policy taken out by a mortgagor or grantor in a deed of trust shall have attached, or shall contain substantially the fol-

lowing mortgagee clause, viz.: Loss or damage, if any, under this policy shall be payable to (here insert name of the party) as mortgagee, as his interest may appear, and this insurance as to the interest of the mortgagee therein shall not be invalidated by any act or neglect of the mortgagor or owner of the within described property, nor by any foreclosure or other proceedings or notice of sale relating to the property, nor by any change in the title or ownership of the property, nor by the occupation of the premises for purposes more hazardous than are permitted by this policy; provided, that in case the mortgagor or owner shall neglect to pay any premium due under this policy, the mortgagee shall, on demand, pay the same.

Provided, also, that the mortgagee shall notify this company of any change or ownership or occupancy or increase of hazard which shall come to the knowledge of such mortgagee and, unless permitted by this policy, it shall be noted thereon and the mortgagee shall on demand pay the premium for such increased hazard for the term of the use thereof, otherwise this policy shall be null and void.

This company reserves the right to cancel this policy at any time as provided by its terms, but in such case this policy shall continue in force for the benefit only of the mortgagee for ten days after notice to the mortgagee of such cancellation and shall then cease, and this company shall have the right, on like notice, to cancel this agreement.

Whenever this company shall pay the mortgagee any sum for loss or damage under this policy and shall claim that, as to the mortgagor or owner, no liability therefor existed, this company shall, to the extent of such payment, be thereupon legally subrogated to all the rights of the party to whom such payment shall be made under all securities held as collateral to the mortgage debt, or may at its option pay to the mortgagee the whole principal due or to grow due on the mortgage with interest, and shall thereupon receive a full assignment and transfer of the mortgage and of all such other securities; but no subrogation shall impair the right of the mortgagee to recover the full amount of his claim."

Whereupon, on motion of Mr. Campbell, Section 34 as amended was adopted.

On motion the remaining sections of the bill were severally adopted.

On motion of Mr. Campbell the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Chrisman, Clinton, Cooper, Dent of Sixteenth District, Dunn, Gardner, Greaves, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Moore, Rowan, Sanders, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 30.

Nays—Mr. George—Total 1.

Absent and those not voting—Messrs. Adams, Broyles, Cayce, Crawford, Dent of Fourth District, Dulaney, Evans, Falkner, Heard, Kiger, Martin, Noel, Seawright, Shelton—Total 15.

Title standing as stated.

On motion of Mr. Campbell the title was amended to read as follows:

An Act to establish a separate and distinct department of insurance, to create the office of Insurance Commissioner, and to regulate insurance companies and fraternal orders doing an insurance business in the State, and to provide for the investigation of incendiary fires.

Whereupon the title as amended was adopted.

At 11.20 A. M. the Senate took a recess subject to call of the Chair for the purpose of repairing to the hall of the House of Representatives and formally welcoming Mrs. Jefferson Davis.

At 12 M. the Senate reconvened and resumed legislative business.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being H. B. No. 45, An Act to amend Section 1991 of the Annotated Code of 1892, so as to graduate the salaries of Clerks of the Chancery Courts for *ex-officio* services rendered.

Mr. Abbay offered the following amendment: "In all counties where the public roads are worked by contract the clerk shall receive for *ex-officio* services \$200."

On motion of Mr. Jones the amendment was tabled.

Mr. Farley offered the following amendment, viz.: "Amend by inserting after the word 'yearly,' in sub-section 2 and in second line the words 'in the discretion of the Board of Supervisors.'"

Mr. Jones moved to table the amendment, which motion was lost.

Whereupon the amendment was adopted.

On motion of Mr. Jones the bill as amended was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Hicks, Hinton, Jones, Key, Looney, Martin, McGehee, Moore, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Yarbrough, Young—Total 29.

Nays—Messrs. Chrisman and Cooper—Total 2.

Absent and those not voting—Messrs. Adams, Broyles, Cayce, Crawford, Evans, Gardner, Greaves, Heard, Hughes, Kiger, Noel, Shelton, Sheppard and Wilson—Total 14.

Title standing as stated.

Mr. Dunn entered a motion to reconsider the vote whereby the bill as amended passed the Senate.

Mr. Clinton called up for consideration H. B. No. 113, An Act to provide for the support and maintenance of the Natchez Hospital by appropriation.

On motion of Mr. Clinton the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Chrisman, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, George, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Yarbrough, Young—Total 31.

Nays—Mr. Cooper—Total 1.

Absent and those not voting—Messrs. Adams, Broyles, Cayce, Crawford, Evans, Falkner, Gardner, Greaves, Heard, Kiger, Shelton, Sheppard and Wilson—Total 13.

Title standing as stated.

Mr. Chrisman called up for consideration and third reading S. C. R. No. 5, submitting to the qualified electors of the State for ratification or rejection an amendment to the Constitution increasing the number of the Supreme Court Judges.

On motion of Mr. Chrisman the resolution was read in full and passed its third day and reading by the following vote, viz.:

Yeas—Messrs. Abbay, Bradley, Campbell, Cayce, Chrisman, Clinton, Dent of Fourth District, Dulaney, Gardner, George, Greaves, Hicks, Jones, Looney, Martin, McGehee, Moore, Noel, Rowan, Sheppard, Taylor, Ventress, Wharton, Yarbrough—Total 25.

Nays—Messrs. Bailey, Cooper, Farley, Hinton, Hughes, Key, Sanders, Seawright—Total 8.

Absent and those not voting—Messrs. Adams, Broyles, Crawford, Dent of Sixteenth District, Dunn, Evans, Falkner, Greaves, Heard, Kiger, Shelton and Wilson—Total 12.

Title standing as stated.

Mr. Wharton called up for consideration H. B. No. 82, An Act to provide for the protection of the property of the State at the Capitol from damage or destruction by fire and the appropriation of one thousand dollars for the year 1902, and one thousand dollars for the year 1903 for the same.

On motion of Mr. Wharton the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Cooper, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Taylor, Ventress, Wharton, Yarbrough, Young—Total 33.

Absent and those not voting—Messrs. Broyles, Chrisman, Crawford, Dent of Fourth District, Evans, Falkner, Greaves, Kiger, Sharborough, Shelton, Sheppard and Wilson—Total 12.

Title standing as stated.

Absent and those not voting—Messrs. Adams, Broyles, Cayce, Crawford, Dent of Fourth District, Dulaney, Evans, Falkner, Heard, Kiger, Martin, Noel, Seawright, Shelton—Total 15.

Title standing as stated.

On motion of Mr. Campbell the title was amended to read as follows:

An Act to establish a separate and distinct department of insurance, to create the office of Insurance Commissioner, and to regulate insurance companies and fraternal orders doing an insurance business in the State, and to provide for the investigation of incendiary fires.

Whereupon the title as amended was adopted.

At 11.20 A. M. the Senate took a recess subject to call of the Chair for the purpose of repairing to the hall of the House of Representatives and formally welcoming Mrs. Jefferson Davis.

At 12 M. the Senate reconvened and resumed legislative business.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being H. B. No. 45, An Act to amend Section 1991 of the Annotated Code of 1892, so as to graduate the salaries of Clerks of the Chancery Courts for *ex-officio* services rendered.

Mr. Abbay offered the following amendment: "In all counties where the public roads are worked by contract the clerk shall receive for *ex-officio* services \$200."

On motion of Mr. Jones the amendment was tabled.

Mr. Farley offered the following amendment, viz.: "Amend by inserting after the word 'yearly,' in sub-section 2 and in second line the words 'in the discretion of the Board of Supervisors.'"

Mr. Jones moved to table the amendment, which motion was lost.

Whereupon the amendment was adopted.

On motion of Mr. Jones the bill as amended was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Hicks, Hinton, Jones, Key, Looney, Martin, McGehee, Moore, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Yarbrough, Young—Total 29.

Nays—Messrs. Chrisman and Cooper—Total 2.

Absent and those not voting—Messrs. Adams, Broyles, Cayce, Crawford, Evans, Gardner, Greaves, Heard, Hughes, Kiger, Noel, Shelton, Sheppard and Wilson—Total 14.

Title standing as stated.

Mr. Dunn entered a motion to reconsider the vote whereby the bill as amended passed the Senate.

Mr. Clinton called up for consideration H. B. No. 113, An Act to provide for the support and maintenance of the Natchez Hospital by appropriation.

On motion of Mr. Clinton the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Chrisman, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, George, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Yarbrough, Young—Total 31.

Nays—Mr. Cooper—Total 1.

Absent and those not voting—Messrs. Adams, Broyles, Cayce, Crawford, Evans, Falkner, Gardner, Greaves, Heard, Kiger, Shelton, Sheppard and Wilson—Total 13.

Title standing as stated.

Mr. Chrisman called up for consideration and third reading S. C. R. No. 5, submitting to the qualified electors of the State for ratification or rejection an amendment to the Constitution increasing the number of the Supreme Court Judges.

On motion of Mr. Chrisman the resolution was read in full and passed its third day and reading by the following vote, viz.:

Yeas—Messrs. Abbay, Bradley, Campbell, Cayce, Chrisman, Clinton, Dent of Fourth District, Dulaney, Gardner, George, Greaves, Hicks, Jones, Looney, Martin, McGehee, Moore, Noel, Rowan, Sheppard, Taylor, Ventress, Wharton, Yarbrough—Total 25.

Nays—Messrs. Bailey, Cooper, Farley, Hinton, Hughes, Key, Sanders, Seawright—Total 8.

Absent and those not voting—Messrs. Adams, Broyles, Crawford, Dent of Sixteenth District, Dunn, Evans, Falkner, Greaves, Heard, Kiger, Shelton and Wilson—Total 12.

Title standing as stated.

Mr. Wharton called up for consideration H. B. No. 82, An Act to provide for the protection of the property of the State at the Capitol from damage or destruction by fire and the appropriation of one thousand dollars for the year 1902, and one thousand dollars for the year 1903 for the same.

On motion of Mr. Wharton the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Cooper, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Taylor, Ventress, Wharton, Yarbrough, Young—Total 33.

Absent and those not voting—Messrs. Broyles, Chrisman, Crawford, Dent of Fourth District, Evans, Falkner, Greaves, Kiger, Sharborough, Shelton, Sheppard and Wilson—Total 12.

Title standing as stated.

Mr. McGehee called up for consideration and third reading S. C. R. No. 14, An Act to amend Section 85 of the State Constitution so that uniformity in the method of working the public roads of the State may be enforced.

On motion of Mr. McGehee the resolution was read in full and passed its third day and reading by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dulaney, Gardner, George, Heard, Hinton, Jones, Looney, Martin, McGehee, Moore, Noel, Rowan, Sharborough, Sheppard, Wharton, Yarbrough, Young — Total 24.

Nays — Messrs. Cooper, Dent of Sixteenth District, Dunn, Farley, Hicks, Hughes, Key, Taylor, Ventress — Total 9.

Absent and those not voting — Messrs. Abbay, Broyles, Clinton, Crawford, Evans, Falkner, Greaves, Kiger, Sanders, Seawright, Shelton and Wilson — Total 12.

Title standing as stated.

Mr. Dulaney called up for consideration out of order, under a suspension of the rules, H. B. No. 31, An Act to provide for the support and maintenance of the State Charity Hospital at Vicksburg.

On motion of Mr. Dulaney the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Cayce, Chrisman, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Gardner, George, Heard, Hicks, Hughes, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Ventress, Wharton, Yarbrough, Young — Total 31.

Nays — Messrs. Cooper, Farley, Taylor — Total 3.

Absent and those not voting — Messrs. Broyles, Campbell, Crawford, Evans, Falkner, Greaves, Hinton, Jones, Kiger, Shelton and Wilson — Total 11.

Title standing as stated.

Mr. Gardner called up S. B. No. 66, An Act to amend Section 1714 of the Annotated Code of 1892 relative to costs in proceedings to establish escheats, so as to provide for the allowance and payment of commissions and attorneys' fees in such proceedings and for the payment of costs in cases in which the personal estate is insufficient.

On motion of Mr. Gardner the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Young — Total 33.

Nays — Mr. Cooper — Total 1.

Absent and those not voting—Messrs. Broyles, Cayce, Clinton, Crawford, Evans, Greaves, Kiger, Martin, Shelton, Wilson and Yarbrough—Total 11.

Title standing as stated.

Mr. Farley moved that from this date the rules be suspended so as to authorize the Secretary to transmit to the House all bills and resolutions immediately upon passage unless objection be made and motions to reconsider entered immediately after passage.

The President announced that he should be necessarily absent until Monday afternoon next, and the President *pro tem.* being also absent on account of sickness, it would be necessary for the Senate to elect an acting President *pro tem.* until that time.

Mr. Abbay moved that the Senate proceed to the election of a special President *pro tem.* as above mentioned, which motion prevailed, and the Senate proceeded to the business mentioned.

Mr. Farley nominated for the position named Hon. E. H. Moore, Senator from the Thirtieth District, whereupon the Senate unanimously elected Mr. Moore to the aforesaid position.

Messrs. Noel and Ventress were appointed on the Committee on Engrossed Bills to fill existing vacancies.

The following resolution, offered by Mr. Dunn, was on motion adopted, viz.:

Resolved by the Senate, the House of Representatives concurring, That the balance of unpaid expenses incurred by the special Penitentiary Investigating Committee, appointed at the session of 1900 of the Legislature to make an investigation into the affairs of the State penitentiary, be paid out of the legislative contingent fund of the Senate and House respectively, on the certificate of the chairman of said committee showing the balance of unpaid expenses incurred by said committee or the members thereof in prosecuting said investigation, prior to the convening of the present session of the Legislature.

Mr. Sharborough moved that the Senate take a recess until 3 o'clock this afternoon.

Mr. George moved, by way of a substitute, that the Senate adjourn until Monday morning next.

Mr. Farley moved to table the substitute, which motion prevailed.

Thereupon Mr. Sharborough's motion prevailed, and the Senate at 1.15 P. M., took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order by acting President *pro tem.* Moore, a quorum being present.

• SENATE BILLS ON THIRD READING.

S. B. No. 67, An Act to appropriate money for the completion and furnishing of the new State house, for beautifying the grounds thereof and for the removal of the State's official archives and property to the new State house.

The following amendment, offered by Mr. Bradley, was adopted, viz.:

Amend by adding after last word of Section 2, "The Auditor of Public Accounts is authorized and directed to as soon as practicable employ suitable assistance and labor and begin to prepare for removal the records and property of the State, the expense of said preparation, when certified by him to the State House Commission, to be paid by them out of the sum hereby appropriated."

Mr. Bradley moved the adoption of the following committee amendment to the bill, viz.:

Amend Section 1 by striking out all of said section after the word "Mississippi," in the second line thereof, and inserting in lieu thereof the following: "That the sum of one hundred and five thousand dollars be, and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of beautifying the grounds of the new State Capitol, the removal of the State's books, archives, records and all other property of the State from the present State house to the new State house and the installation of same therein, when same shall be completed; and also for the purpose of paying for extra work to the contractors for the erection of the new State house in and about the foundation of the new State house.

Section 2. Said moneys hereinbefore appropriated shall be expended by and under the direction of the State House Commission in the manner provided in Chapter 55 of the Acts of 1900 for building a new State house.

Mr. Jones moved to amend the committee amendment as follows, viz.:

Amend the amendment by striking out "\$105,000" and insert "\$60,000."

Pending consideration of which the bill and amendment was tabled subject to call.

Mr. Cayce in the chair.

Mr. Bradley called up H. B. No. 43, An Act to further carry into effect the contract made under Chapter 385, Acts of 1888, being an Act to better secure safety and health in the State institutions, etc., approved March 10, 1888, and to defray expenses thereof.

On motion of Mr. Bradley the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Crawford, Dent of Fourth District, Dent of Sixteenth District, Falkner, Farley, Hicks, Hinton, Hughes, Jones, Key,

Looney, McGehee, Moore, Noel, Rowan, Seawright, Sheppard, Ventress, Yarbrough—Total 25.

Nays—Mr. Chrisman—Total 1.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Dulaney, Dunn, Evans, Gardner, George, Greaves, Heard, Kiger, Martin, Sanders, Sharborough, Shelton, Taylor, Wharton, Wilson and Young—Total 19.

Title standing as stated.

Mr. Dent of Sixteenth District entered a motion to reconsider the vote whereby H. B. No. 35, An Act to transfer to the office of the Land Commissioner all State land records, all levee land records, and all other land records except assessment roll now in the Auditor's office, and to repeal Sections 3815, 3837, 3857, 3858, 3859, 3863, 3864, 3865, and 3866 of the Annotated Code of 1892, passed the Senate on yesterday.

HOUSE MESSAGE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has declined to adopt the conference report on the disagreement of the House and Senate on S. B. No. 15, To be entitled An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903 for buildings and equipment needed, and asks another conference, naming as conferees on the part of the House Messrs. Crum, Alcorn and Longest.

L. PINK SMITH, *Clerk.*

On motion of Mr. Falkner the Conference Committee asked for in the foregoing House Message was granted, whereupon the Chair appointed as conferees therein provided for on the part of the Senate Messrs. Falkner, Looney and Jones.

Mr. Bradley called up H. B. No. 61, An Act to make an appropriation to defray the expenses of the Institution for the Deaf and Dumb for the years 1902 and 1903.

The following amendment to the bill proposed by the committee, was adopted on motion of Mr. Jones, viz.:

Amend by striking out all after the words "insurance three years, \$400," in Section 1, and inserting in lieu thereof: "All accounts paid out of the above appropriation shall be audited by the Board of Trustees and approved by the Governor, for which the Auditor of Public Accounts shall issue his warrant upon the State Treasurer, and no part of said sum shall be used by the officers or employees of said institution or their families for their private or individual support.

"And no part of this appropriation made for the payment of specific item or items shall be used for the payment of any other item or items."

On motion of Mr. Bradley the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Falkner, Farley, Hinton, Hughes, Jones, Key, Looney, McGehee, Noel, Rowan, Seawright, Sharborough, Ventress, Wharton, Yarbrough and Young—Total 25.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Crawford, Dulaney, Dunn, Evans, Gardner, George, Greaves, Heard, Hicks, Kiger, Martin, Moore, Sanders, Shelton, Sheppard, Taylor and Wilson—Total 20.

Title standing as stated.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has declined to concur in Senate Amendment to H. B. No. 32, To be entitled: An Act to make an appropriation to defray the expenses of the East Mississippi Insane Hospital for the years 1902 and 1903, and for other purposes, and asks a conference on the disagreement of the two Houses, naming as conferees on the part of the House Messrs. Quin of Wilkinson, Taylor and Denton of Lauderdale.

L. PINK SMITH, *Clerk.*

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT.

JACKSON, MISS., February 15, 1902.

MR. PRESIDENT: I am directed by his Excellency the Governor to inform the Senate that he has this day approved the following bill, to-wit:

An Act to repeal Section 1575 of the Annotated Code of 1892 relating to the granting of licenses by Boards of Supervisors to retail vinous, alcoholic, malt, intoxicating and spirituous liquors, and to amend Section 1576 of the Code of 1892 relating to granting licenses to retail liquors by Boards of Mayor and Aldermen in cities, towns, and villages.

Respectfully,

J. J. COMAN, *Private Secretary.*

Mr. Bradley called up S. B. No. 57, An Act to amend Section 1, Chapter 54, Acts of 1900, in relation to issuance of State bonds for the purpose of erecting a new State house.

Mr. Bradley moved the adoption of the substitute for this bill proposed by the committee.

Mr. Bailey moved to amend the substitute by striking out the words "four per cent" where they occur in the bill, and insert in lieu thereof the words "three per cent."

On motion of Mr. Campbell the same was tabled.

Pending further consideration of the committee substitute, on motion of Mr. Hinton the Senate, at 5.20 P. M., adjourned until 9.30 Monday morning.

JOHN Y. MURRY, JR., *Secretary*.

THIRTY-FIRST DAY.

MONDAY, February 17, 1902.

The Senate met pursuant to adjournment, President *pro tem*. Moore in the chair.

Prayer by Rev. Mr. Lucas.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Clinton, Cooper, Dent of Fourth District, Dulaney, Dunn, Farley, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Yarbrough, Young — Total, 35.

Absent — Messrs. Broyles, Crawford, Dent of Sixteenth District, Evans, Falkner, Greaves, Heard, Kiger, Shelton and Wilson — Total, 10.

On motion of Mr. Adams, the reading of the journal of Saturday was dispensed with and same stood approved.

The courtesies of the Senate were extended to Hon. Thos. M. Somerville, of the Law Department of the University of Mississippi, W. A. Roane, of Lafayette, and Mr. Dave McDowell, of Marshall.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Agriculture, Commerce and Manufactures:

MR. PRESIDENT: The Committee on Agriculture, Commerce and Manufactures has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 46, An Act making an appropriation for the equipment and support of the Branch Agricultural Experiment Station at McNeill, Miss.

Title sufficient; do pass.

BAILEY, *Chairman*.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

H. B. No. 66, An Act to appropriate money to pay the per diem and mileage of Presidential Electors for two meetings in December, 1900, and January, 1901, as directed by Section 3703 of the Annotated Code of 1892.

Do pass; title sufficient.

H. B. No. 116, An Act to amend Chapter 56 of the Acts of 1896, and Section 81, of Chapter 5, of the Sheet Acts of 1898, and Section 1, of Chapter 42, of the Sheet Acts of 1900, creating privilege taxes on certain industries in the State of Mississippi, thereby reducing privilege taxes on telephone companies.

Do pass; title sufficient.

S. B. No. 83, An Act to amend Section 3952 of the Annotated Code of 1892, and Chapter 38 of the Laws of Mississippi for 1900, so far as same relates to the salary of the Governor's Private Secretary, and increasing the salary of the Governor's Private Secretary to the sum of fifteen hundred dollars per annum.

Do pass; title sufficient.

H. B. No. 109, An Act to raise revenue to carry on the State Government of Mississippi for the fiscal years 1902 and 1903.

Do pass, as amended. Title sufficient.

BRADLEY, *Chairman.*

Report of Committee on Penitentiary and Prisons:

MR. PRESIDENT: The Committee on Penitentiary and Prisons has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 89, An Act to require the members of the Board of Control and the Warden of the penitentiary to pay into the general fund of the State Treasury, immediately upon the request thereof, any money they receive from the labor of convicts or from the sale of agricultural products produced on farms worked by the State, or from the sale of any penitentiary property, and to provide for disbursements for penitentiary purposes from the State Treasury on the Auditor's warrant, and to provide for the making of an appropriation to meet such disbursements.

Title sufficient; bill do pass as amended by the Committee.

W. H. HUGHES, *Chairman.*

REPORT OF CONFERENCE COMMITTEE.

Report of Conference Committee on Senate Bill No. 15:

MR. PRESIDENT: The Committee on Conference appointed by the Senate and House has had under consideration the following

bill referred to them, and has instructed me to report it back with the following recommendations :

S. B. No. 15, Entitled An Act to make an appropriation for the support of the University of Mississippi, to pay current expenses for equipment and for the erection of buildings needed. That the Senate concur in the House amendment to said bill striking out \$20,000 for a training school and \$20,000 for the support of the same for the years 1902 and 1903. That the House recede from its amendment prohibiting coeducation at the University.

J. W. T. FALKNER,
Chairman on Part of Senate.

C. L. CRUM,
Chairman on Part of House.

On motion of Mr. Cayce the foregoing Conference Committee report was adopted by the following vote, viz. :

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Cooper, Dent of Fourth District, Dulaney, Dunn, Gardner, Hicks, Hinton, Hughes, Jones, Key, Looney, Martin, McGehee, Moore, Rowan, Seawright, Sheppard, Yarbrough, Young—Total 26.

Nays—Mr. George—Total 1.

Absent and those not voting — Messrs. Broyles, Chrisman, Crawford, Dent of Sixteenth District, Evans, Falkner, Farley, Greaves, Heard, Kiger, Noel, Sanders, Sharborough, Shelton, Taylor, Ventress, Wharton and Wilson—Total 18.

On motion of Mr. Adams H. B. No. 89, An Act to require the members of the Board of Control and the Warden of the State penitentiary to pay into the general fund of the State treasury immediately upon receipt thereof, any money received from the labor of convicts or from the sale of agricultural products produced on farms worked by the State, or from the sale of any penitentiary property and to provide for disbursements for penitentiary purposes from the State treasury on the Auditor's warrant, and to provide for the making of an appropriation to meet such disbursements, was made the special order for 12 M. to-day.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the unfinished business for this hour, being the committee substitute for S. B. No. 57, An Act to amend Section 1, Chapter 54, Acts of 1900, in relation to issuance of State bonds for the purpose of erecting a new State house.

The following amendment to the substitute, offered by Mr. Dunn, was on motion adopted, viz. :

"Amend Section 2 by striking out the words and figures 'on or before July 1, 1903,' in the first line thereof, and insert the words, 'As soon as may be advisable in his discretion or so much

thereof as in his judgment may be proper, having in view any surplus moneys in the State treasury.' ”

To the substitute as amended the following amendment, offered by Mr. Dunn, was on motion adopted, viz.:

“Amend Section 3 by inserting between the words ‘dollars’ and ‘appropriated,’ in line 11 thereof, the words ‘or so much thereof as may be necessary.’ ”

Whereupon the substitute as amended was adopted, and thereupon the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Clinton, Cooper, Dulaney, Dunn, Farley, George, Hicks, Hinton, Jones, Looney, McGehee, Moore, Rowan, Seawright, Sheppard, Wharton, Yarbrough, Young—Total 23.

Nays—Messrs. Bailey, Chrisman, Key—Total 3.

Absent and those not voting—Messrs. Broyles, Crawford, Dent of Fourth District, Dent of Sixteenth District, Evans, Falkner, Gardner, Greaves, Heard, Hughes, Kiger, Martin, Noel, Sanders, Sharborough, Shelton, Taylor, Ventress and Wilson—Total 19.

Title standing as stated.

INTRODUCTION OF BILL OUT OF ORDER.

Under a suspension of the rules S. B. No. 84, An Act to increase the salary of the Adjutant General to six hundred dollars annually, was introduced by Mr. Sheppard, read twice and referred to Committee on Military Affairs.

Mr. Abbay stated that owing to his being constantly engaged in the discharge of his duties as a member of the committee to investigate the penitentiary affairs, he was unable to devote any time to the committee to investigate State officers, and asked to be excused from said committee, which was accordingly done.

Thereupon the Chair appointed Mr. Sheppard as chairman of said committee in place of Mr. Abbay.

SENATE BILLS ON THIRD READING.

S. B. No. 42, An Act to appropriate funds for the proper furnishing and fitting of the new Capitol building and the various departments thereof, to lay off, fit and prepare the grounds around said building and to provide for the mode of expending said funds, to authorize the issuance of State bonds for the purpose of the proper furnishing and fitting of the new Capitol building and the various departments thereof, and to lay off, fit and prepare the grounds around said building, and to provide for the payment of the interest on said bonds.

On motion of Mr. Bradley the bill was tabled subject to call.

Mr. Dunn called up the motion heretofore entered to reconsider the vote whereby H. B. No. 45, An Act to amend Section

1991 of the Acts of 1892 so as to graduate the salaries of the Clerks of the Chancery Courts for *ex officio* services rendered, passed the Senate, and moved to table the motion to reconsider, which motion prevailed.

S. B. No. 47, An Act to amend Section 6 of Chapter 15 of the Acts of 1897 in reference to the collection and publication of vital: mortuary and sanitary statistics.

On motion of Mr. Sheppard the substitute for the bill proposed by the committee was adopted.

Mr. Sheppard moved the engrossment, third reading and passage of the bill as amended.

Mr. Rowan moved to amend substitute as follows, viz.:

"Amend by creating a State Health Officer to whom these statistics shall be referred."

The Chair announced the amendment was not germane to the bill.

Thereupon, on motion of Mr. Sheppard, the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Dent of Fourth District, Dulaney, Dunn, Gardner, George, Hicks, Hinton, Looney, Martin, McGehee, Moore, Seawright, Sheppard, Wilson, Yarbrough—Total 21.

Nays—Messrs. Cooper, Farley, Hughes, Jones, Key, Rowan, Young—Total 7.

Absent and those not voting—Messrs. Abbay, Broyles, Chrisman, Crawford, Dent of Sixteenth District, Evans, Falkner, Greaves, Heard, Kiger, Noel, Sanders, Sharborough, Shelton, Taylor, Ventress, Wharton—Total 17.

Title standing as stated.

MESSAGE FROM THE HOUSE

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has declined to concur in Senate amendment to H. B. No. 23, To be entitled An Act to appropriate money for the relief of indigent soldiers, sailors, widows and servants of the war between the States, and asks a conference on the disagreement of the two Houses on the same, and has named as conferees on the part of the House Messrs. Cox of Prentiss, Sharkey and Gambrill.

L. PINK SMITH, *Clerk*.

On motion of Mr. Dunn the conference committee asked for in the foregoing House message touching the disagreement of the two Houses on Senate amendment to H. B. No. 23, above set out, was agreed to and the Chair appointed as conferees on the part of the Senate Messrs. Adams, Cayce and Farley.

On motion of Mr. Dunn the conference committee asked for by the House on the disagreement of the two Houses touching

Senate amendment of the two Houses to H. B. No. 32, An Act to make an appropriation to defray the expenses of the East Mississippi Insane Hospital for the years 1902 and 1903 and for other purposes, was agreed to and the Chair appointed as said conferees on the part of the Senate Messrs. Sheppard, Hinton and Dunn.

Mr. Dunn in the chair.

SPECIAL ORDER.

The Senate proceeded to the consideration, under a suspension of the rules, of H. B. No. 89, An Act to require the members of the Board of Control and the Warden of the State penitentiary to pay in the general fund of the State treasury immediately upon receipt thereof any money received from the labor of convicts or from the sale of agricultural products produced on the farm worked by the State or for the sale of any penitentiary property, and to provide for disbursements for penitentiary purposes from the State treasury on the Auditor's warrant, and to provide for the making of an appropriation to meet such disbursements, the same being the special order for this hour.

On motion of Mr. Adams the following amendment to the bill, proposed by the committee, was adopted, viz.:

H. B. No. 89, strike out all of Section 2 after the word "control" in the last line.

The following amendment to the bill as amended, offered by Mr. Abbay, was adopted, viz.:

Amend by adding the following section: "The Board of Control or warden shall not make any contracts for the renting of land, working on shares, or clearing any lands, or make any contracts for the purchase of supplies or for the sale of any of the agricultural products belonging to the State with themselves or any one related to them either by consanguinity or affinity.

On motion of Mr. Campbell the bill as amended was tabled subject to call.

S. B. No. 41, An Act making an appropriation for the payment of fees due Critz & Beckett for legal services rendered the State in injunction suits against the Railroad Commission.

On motion of Mr. Bradley the bill was indefinitely postponed.

Mr. Bradley called up, under a suspension of the rules, H. B. No. 80, An Act making an appropriation for the payment of fees due Critz & Beckett for legal services rendered the State in injunction suits against the Railroad Commission.

On motion of Mr. Bradley the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Dent of Fourth District, Dulaney, Dunn, Farley, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Moore, Rowan, Sheppard, Wharton, Yarbrough, Young—Total 26.

Absent and those not voting — Messrs. Broyles, Chrisman, Cooper, Crawford, Dent of Sixteenth District, Evans, Falkner, Greaves, Heard, Kiger, Martin, Noel, Sanders, Seawright, Sharborough, Shelton Taylor, Ventress and Wilson—Total 19.

Title standing as stated.

Mr. Looney in the chair.

S. B. No. 80, An Act to provide for the assessment and taxation for county and levy purposes only of all revenue bearing real estate belonging to the State and actually used and employed for profit.

Mr. Farley moved the indefinite postponement of the bill. The motion was lost by the following vote, viz.:

Yeas—Messrs. Bailey, Cooper, Dent of Fourth District, Dunn, Hinton, Hughes, Jones, Looney, Seawright, Sharborough, Sheppard, Taylor, Wharton—Total 13.

Nays — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Dulaney, Gardner, Hicks, Key, McGehee, Moore, Rowan, Yarbrough, Young—Total 14.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Evans, Falkner, Farley George, Greaves, Heard, Kiger, Martin, Noel, Sanders, Shelton, Ventress and Wilson—Total 18.

PAIRS.

Mr. Farley announced that he was paired on the indefinite postponement of this bill with Mr. George. Mr. Farley would have voted "aye," Mr. George, if present, would have voted "nay."

Mr. Moore moved the engrossment and third reading of the bill, which motion prevailed.

Whereupon the bill was considered engrossed, read a third time and failed to pass by a three-fifths vote, as shown by the following, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Dulaney, Gardner, Hicks, Hughes, Key, McGehee, Noel, Rowan, Yarbrough, Young—Total 15.

Nays—Messrs. Bailey, Cooper, Dent of Fourth District, Dunn, Farley, Hinton, Jones, Looney, Moore, Seawright, Sharborough, Sheppard, Wharton—Total 13.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Evans, Falkner, George, Greaves, Heard, Kiger, Martin, Sanders, Shelton, Taylor, Ventress and Wilson—Total 17.

Mr. Moore entered a motion to reconsider the vote whereby the bill failed to secure a three-fifths vote.

EXPLANATION OF VOTE.

Mr. Noel entered the following explanation of his vote on this bill, viz.:

"In my judgment the State can not justly withdraw property from local taxation in order to convert such property into an enterprise for making money. To do so would be to impose an unequal burden on the county thus affected. The principal is altogether different from that involved in acquisition of property educational, benevolent or like purpose."

Mr. Bradley called up from the table S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892 relative to salaries, and also an Act to amend said section of said Code so far as same relates to the salary of the Governor's Private Secretary, etc., being Chapter 38 of the sheet Acts of 1900, so as to increase the salary of the Governor from thirty-five hundred to five thousand dollars, and the salaries of each of the Supreme Judges from thirty-five hundred to five thousand dollars, and moved that the House amendment to the title to strike out "five thousand" where same occurs, and insert in lieu thereof "forty-five hundred," be concurred in, which motion prevailed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Cooper, Dent of Fourth District, Dulaney, Dunn, Farley, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Looney, McGehee, Moore, Rowan, Seawright, Sheppard, Wharton, Yarbrough, Young—Total 26.

Absent and those not voting—Messrs. Bailey, Broyles, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Evans, Falkner, Greaves, Heard, Kiger, Martin, Noel, Sanders, Sharborough, Shelton, Taylor, Ventress and Wilson—Total 19.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 78, To be entitled An Act to amend Section 4043 of the Annotated Code of 1892, so as to change the times for the opening of the winter and summer schools.

H. B. No. 88, To be entitled An Act to appropriate from the pension funds returned to the State treasury \$475 to refund to C. L. Graham, Treasurer of Itawamba County, money paid out as pensions by mistake to persons whose application was received after the distribution of the pension fund to the counties by the Auditor.

H. B. No. 114, To be entitled An Act to authorize the Board of Supervisors of Leflore County to pay back the Sixteenth Section funds money arising therefrom and used in the common school fund.

H. B. No. 116, To be entitled An Act to amend Chapter 56 of the Acts of 1896, and Section 81 of Chapter 5 of the sheet Acts of 1898, and Section 1 of Chapter 42 of the sheet Acts of 1900, creating privilege taxes on certain industries in the State of Mis-

Mississippi, thereby reducing the privilege taxes on telephone companies.

H. B. No. 122, To be entitled An Act to raise revenue by imposing a privilege tax on every person, firm or corporation who as a broker receives and transmits for the purchase or the sale for future delivery of any commodity or other things.

H. B. No. 139, To be entitled An Act for the relief of J. W. Duke.

H. B. No. 140, To be entitled An Act to authorize and empower the Mayor and Board of Aldermen of the city of Holly Springs, Mississippi, to loan annually on good and sufficient security the sinking fund provided by them for the payment of certain bonds issued to establish an electric light plant and waterworks system until the maturity thereof, or until they have the option of paying said bonds.

H. B. No. 141, To be entitled An Act authorizing and empowering the Board of Supervisors of Oktibbeha County, Mississippi, to loan any and all surplus money of any fund on certain security and to buy bank or other stock, or town, city, county, State or United States bonds, and to use as much as \$2,500 for the purpose of paying any balance due on account of court house and for further equipment or furnishing of said court house.

H. B. No. 148, To be entitled An Act to amend Section 3702 of the Code of 1892 in respect to the day fixed for meeting of the Presidential electors.

S. B. No. 36, To be entitled An Act to amend Chapter 215 of the Acts of 1896, authorizing the Mobile, Jackson & Kansas City Railroad Company to locate its railroad within the State of Mississippi.

S. B. No. 54, To be entitled An Act to amend the charter of the town of Rosedale so as to authorize the Mayor and town council of said town to issue on certain conditions the bonds or other obligations of said town, not to exceed in amount including all outstanding bonds, seven per cent of the assessed value of the taxable property of said town as shown by the assessment rolls thereof, for the purpose of raising money for the purchase of land and erection of school buildings thereon, for the erection, providing or purchase of waterworks, the sinking of artesian wells, the establishment of a sewerage system, securing the protection from fire, improving the streets and sidewalks, or for the liquidation of outstanding debts for said town.

And has adopted House Joint Resolution asking the United States Fish Commission to investigate the oyster industries of Mississippi and report thereon.

L. PINK SMITH, *Clerk.*

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the Calendar were read twice and referred to committees as follows:

H. B. No. 78, An Act to amend Section 4043 of the Annotated Code of 1892 so as to change the time for the opening of the winter and summer schools.

To Education.

H. B. No. 88, An Act to appropriate from the pension funds returned to the State treasury \$475 to refund to C. L. Graham, Treasurer of Itawamba County money paid out as pensions by mistake to persons whose applications were received after the distribution of the pension fund to the counties by the Auditor.

To Local and Private Legislation.

H. B. No. 114, An Act to authorize the Board of Supervisors of Leflore County to pay back to the Sixteenth Section funds money arising therefrom and used in the common school fund.

To Local and Private Legislation.

H. B. No. 116, An Act to amend Chapter 56 of the Acts of 1896 and Section 81 of Chapter 5 of the sheet Acts of 1898, and Section 1 of Chapter 42 of the sheet Acts of 1900, creating privilege taxes on certain industries in the State of Mississippi, thereby reducing the privilege taxes on telephone companies.

To Finance.

H. B. No. 122, An Act to raise revenue by imposing a privilege tax on every person, firm or corporation who as a broker, receives and transmits for the purchase or the sale for future delivery of any commodity or other thing.

To Finance.

H. B. No. 139, An Act for the relief of J. W. Duke.

To Local and Private Legislation.

H. B. No. 140, An Act to authorize and empower the Mayor and Board of Aldermen of the city of Holly Springs, Mississippi, to loan annually on good and sufficient security the sinking fund provided by them for the payment of certain bonds issued to establish an electric light plant and waterworks system, until the maturity thereof, or until they have the option of paying said bonds.

To Local and Private Legislation.

H. B. No. 141, An Act authorizing and empowering the Board of Supervisors of Oktibbeha County, Mississippi, to loan any and all surplus money of any fund on certain security and to buy bank or other stock, or town, city, county, State or United States bonds and to use as much as \$2,500 for the purpose of paying any balance due on account of court house or for further equipment or furnishing of said court house.

To Local and Private Legislation.

H. B. No. 148, An Act to amend Section 3702 of the Code of 1892 in respect to the day fixed for the meeting of Presidential electors.

To Judiciary.

At 1.20 P. M., on motion of Mr. Hughes, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 P. M. by acting President *pro tem.* Moore.

The roll being called the following Senators were found to be present, viz.:

Yeas—Messrs. Bailey, Bradley, Cayce, Dulaney, Hicks, Jones, Key, Looney, McGehee, Moore, Seawright, Wharton, Young—Total 13.

Absent—Messrs. Abbay, Adams, Broyles, Campbell, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, Gardner, George, Greaves, Heard, Hinton, Hughes, Kiger, Martin, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wilson and Yarbrough—Total 32.

Mr. Bradley moved to take a recess until 4.30 P. M., which motion was lost by the following vote, viz.:

Yeas—Messrs. Bradley, McGehee, Wharton—Total 3.

Nays—Messrs. Adams, Bailey, Campbell, Cayce, Hicks, Jones, Key, Looney, Moore, Seawright—Total 10.

Absent and those not voting—Messrs. Abbay, Broyles, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Greaves, Heard, Hinton, Hughes, Kiger, Martin, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wilson, Yarbrough and Young—Total 32.

On motion of Mr. Jones the Sergeant-at-Arms was instructed to require the attendance of enough absentees to secure a quorum.

At 3.15 P. M. a quorum was present.

Mr. Noel in the chair.

The following bills were on motion severally indefinitely postponed, viz.:

S. B. No. 23, An Act concerning banks and banking.

S. B. No. 48, An Act to amend Section 3952 of the Code of 1892 to increase the salary of the State Librarian to \$2,000.

On motion of Mr. Jones the following bills were made the special order for 11 o'clock to-morrow, viz.:

S. B. No. 37, An Act to amend Section 3182, Code 1892, so as to require appraisers' inventory to be made on January 1st each year and clerks' books to be balanced from same.

S. B. No. 38, An Act to classify the State convicts and fix values on labor of same.

S. B. No. 39, An Act to amend Section 3119, Code 1892, so as to include grade or class number for convicts.

S. B. No. 40, An Act to amend Section 3182, Code 1892, so as to strike out the names of the Governor and Attorney General as officers of the Board of Control.

The following bills were severally tabled subject to call:

S. B. No. 6, An Act to establish a State Live Stock Sanitary Board, to create the office of State Veterinarian, to provide for the control and suppression of dangerous, contagious or infectious diseases of domestic animals, and for the study of diseases of live stock of the State, and to make an appropriation therefor.

S. B. No. 33, An Act to provide for the revision and codification of the statute laws of the State.

S. B. No. 61, An Act to amend Chapter 117, Code 1892, and subsequent Acts of the Legislature amendatory thereto in relation to roads, ferries and bridges, and to provide for the betterment thereof.

H. B. No. 41, An Act to appropriate money to defray the expenses of the Legislative, Executive and Judicial Departments of the State Government, and to pay interest on the State debt.

H. B. No. 73, An Act authorizing the Board of Supervisors of any county in this State to order an extra assessment of the land therein.

Mr. Jones obtained consent to withdraw S. C. R. No. 4, a Senate Concurrent Resolution to insert into the Constitution Section 206 of the Constitution as amended.

Mr. Taylor obtained consent to a suspension of the rules for the consideration out of order of S. B. No. 83, An Act to amend Section 3952 of the Annotated Code of 1892, and Chapter 38 of the Laws of Mississippi of 1900, so far as the same relates to the salary of the Governor's Private Secretary and increasing the salary of the Governor's Private Secretary to the sum of fifteen hundred dollars per annum.

Mr. Taylor offered an amendment by way of a substitute for the entire bill, which on motion was adopted.

On motion of Mr. Taylor the bill as amended was considered engrossed and read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Cayce, Cooper, Dulaney, Dunn, Evans, Gardner, George, Hicks, Looney, McGehee, Moore, Noel, Rowan, Seawright, Sharborough, Taylor, Wharton, Yarbrough—Total 20.

Nays—Messrs. Bailey, Campbell, Farley, Hinton, Jones, Key, Young—Total 7.

Absent and those not voting—Messrs. Bradley, Broyles, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Falkner, Heard, Greaves, Hughes, Kiger, Martin, Sanders, Shelton, Sheppard, Ventress, Wilson—Total 18.

The title was amended so as to read as follows: "An Act to fix the salary of the Governor's Private Secretary."

Whereupon the title as amended was adopted.

Mr. Noel called up H. C. R. in regard to the resignation of ex-treasurer J. R. Stowers.

On motion of Mr. Noel the resolution was adopted and the

number of said committee therein provided for on the part of the Senate was fixed at three. Thereupon the Chair appointed as said committee on the part of the Senate Messrs. Jones, Key and Young.

The following House Concurrent and Joint Resolutions were, on motions, severally adopted:

H. C. R. No. 5, To have the Trustees and President of the Deaf and Dumb Institute invite bids for the sale of the property now used as the Deaf and Dumb Institute and to report at the next session of the Legislature.

House Joint Resolution asking United States Fish Commission to investigate the oyster industries of Mississippi and report thereon.

House Joint Resolution in regard to the expenses of the special committee appointed at the session of 1900 to investigate the State penitentiary management.

House Joint Resolution requesting our Senators and Representatives in Congress to vote for the bill to purchase Temple Farm and Moore House.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment No. 4 to H. B. No. 48, To be entitled An Act making an appropriation for the support, repairs, additional buildings, improvements and equipment of the Mississippi Agricultural and Mechanical College, but declined to concur in Senate amendments Nos. 1, 2 and 3 to the bill, and asks a conference on the disagreement of the two Houses, and has named as conferees on the part of the House Messrs. Coody, Normont and Frazier.

L. PINK SMITH, *Clerk.*

The Senate agreed to the appointment of the Conference Committee asked for in the foregoing House message, and the Chair announced as conferees on the part of the Senate Messrs. Bailey, Cayce and Seawright.

Mr. Sharborough called up, under a suspension of the rules, H. B. No. 46, An Act making an appropriation for the equipment and support of the Branch Agricultural Experiment Station at McNeill, Miss.

On motion of Mr. Sharborough the rules were suspended and the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Campbell, Cayce, Dulaney, Dunn, Evans, George, Hicks, Hinton, Jones, Looney, McGehee, Moore, Noel, Rowan, Seawright, Sharborough, Taylor, Wharton, Yarbrough, Young—Total 23.

Nays—Messrs. Cooper, Farley, Key—Total 3.

Absent and those not voting — Messrs. Bradley, Broyles, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Falkner, Gardner, Greaves, Heard, Hughes, Kiger, Martin, Sanders, Shelton, Sheppard, Ventress and Wilson — Total 19.

Title standing as stated.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 14, An Act to appropriate twenty-five hundred (\$2,500) dollars in the year 1902, and \$1,500 for the year 1903, for the maintenance of the Confederate Hospital Annex at Vicksburg, Mississippi, and to provide for the distribution of same.

H. B. No. 31, An Act to provide for the support and maintenance of the State Charity Hospital at Vicksburg. .

H. B. No. 42, An Act to raise revenues by making valid and of binding effect all contracts made previous to the passage of this act and which are or were null and void or voidable under previous or existing laws because of non-payment of privilege taxes due when such contracts were made, upon terms of full payment of all such privilege taxes so in default with two hundred per centum damages thereon, within ninety days after the passage of this act.

H. B. No. 44, An Act to pay for legal services rendered the State in the suit of Warren County et al. vs. E. H. Nall, Land Commissioner.

H. B. No. 43, An Act to further carry into effect the contract made under Chapter 385, Acts of 1888, being an Act to better secure safety and health in the State institutions, etc., approved March 10, 1888, and defray expenses thereof.

H. B. No. 49, An Act for the support and maintenance of the State Normal School at Holly Springs.

H. B. No. 82, An Act to provide for the protection of the property of the State of Mississippi at the Capitol from damage and destruction by fire, and the appropriation of one thousand dollars for the year 1902 and one thousand dollars for the year 1903 for same.

H. B. No. 86, An Act to make an appropriation to pay A. W. Jones of Prentiss County balance on pension due him for the year 1899.

H. B. No. 99, An Act to repeal Chapter 39 of the Acts of 1898 and Chapter 121 of the Acts of 1900, and to authorize the Board of Supervisors to provide for the channeling of streams and the reclamation of overflowed lands, and to provide for the issuance and sale of interest-bearing bonds to raise funds with which to reclaim such lands.

H. B. No. 102, An Act to empower the Board of Supervisors of Perry County to order an election for the purpose of submitting to the qualified electors of said county the removal of the seat of justice of the First District of said county.

H. B. No. 112, An Act to appropriate money for the purpose of resupplying the wards of the State Charity Hospital at Vicksburg with beds and bed clothing.

H. B. No. 64, An Act making an appropriation to carry out the provisions of Chapter 76 of the Laws of the State of Mississippi of 1900, being an Act entitled An Act to enable the Auditor of Public Accounts and Land Commissioner of the State of Mississippi to properly conduct the affairs of their respective offices and to correct mistakes in land descriptions and land sales, and provide relief in repayment of moneys erroneously paid in privileges and State taxes and land purchases, and to save the State cost in passing bills for relief by local and private legislation in certain cases.

H. B. No. 113, An Act to provide for the support and maintenance of the Natchez Hospital by appropriation.

H. B. No. 124, An Act to authorize and empower the Board of Supervisors of Tippah County to loan the Sixteenth Section or Chickasaw school fund to the common county fund at an annual rate per cent interest to be fixed by said Board.

H. B. No. 127, An Act to authorize the Board of Supervisors of Yazoo County to transfer from the special road fund of said county to the general fund of said county the sum of \$6,461.39.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bill, and now present it for your signature, to-wit:

S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892 relative to salaries, and also an Act to amend said section of said Code so far as same relates to the salary of the Governor's Private Secretary, being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of the Governor from thirty-five hundred to forty-five hundred dollars, and the salary of each of the Supreme Judges from thirty-five hundred to forty-five hundred dollars.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bill read by its title and signed the same, calling the attention of the Senate thereto.

REPORTS OF STANDING COMMITTEES OUT OF ORDER.

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

H. B. No. 88, An Act to appropriate from the pension funds returned to the State treasury \$475 to refund to C. L. Graham, Treasurer of Itawamba County, money paid out as pensions by mistake to persons whose application was received after the distribution of the pension fund to the counties by the Auditor.

H. B. No. 140, An Act to authorize and empower the Mayor and Board of Aldermen of the city of Holly Springs, Mississippi, to loan annually on good and sufficient security the sinking fund provided by them for the payment of certain bonds issued to establish an electric light plant and waterworks system until the maturity thereof, or until they have the option of paying said bonds.

H. B. No. 141, An Act authorizing and empowering the Board of Supervisors of Oktibbeha County, Mississippi, to loan any and all surplus money of any fund on certain security and to buy bank or other stock, or town, city, county, State or United States bonds, and to use as much as \$2,500 for the purpose of paying any balance due on account of court house or for further equipment or furnishing of said court house.

H. B. No. 114, An Act to authorize the Board of Supervisors of Leflore County to pay back to the Sixteenth Section funds money arising therefrom and used in the common school fund.

H. B. No. 139, An Act for the relief of J. W. Duke.

And your committee recommend that the bills do pass, titles sufficient, for in the opinion of your committee the relief sought can not be obtained through the courts nor advantageously provided for by general law.

A. W. DENT, *Acting Chairman.*

Report of Committee on Public Works:

MR. PRESIDENT: The Committee on Public Works has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 61, An Act to amend Chapter 117, Code 1892, and subsequent Act of the Legislature amendatory thereto, in relation to roads, ferries and bridges and to provide for the betterment thereof.

Title sufficient; bill do pass.

E. A. ROWAN, *Chairman.*

The courtesies of the Senate were extended to Hons. W. H. Hardy of Perry, C. L. Anderson of Attala, St. John Wadell of Memphis, Tenn., and Capt. T. J. Hardy of Jones.

Mr. Looney called from the table S. B. No. 62, An Act to establish a State Teachers' Training School for white teachers, and to make an appropriation for the same.

Mr. Campbell moved to consider the bill by sections, which motion prevailed.

Sections 1 to 16 inclusive were severally adopted.

Mr. Adams moved to insert, as an additional section, to be numbered 17, the following:

"That the school herein provided for shall be established at the University of Mississippi."

Mr. Falkner moved to recommit the bill, together with Mr. Adams' amendment, to the Committee on Education, with instructions to report a bill establishing a Training School at Oxford.

Pending consideration of which motion the Senate, at 6 P. M., on motion of Mr. Dunn, adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

THIRTY-SECOND DAY.

TUESDAY, February 18, 1902.

The Senate met pursuant to adjournment, President *pro tem*. Moore in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Cooper, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shepard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 39.

Absent—Messrs. Broyles, Chrisman, Crawford, Dent of Sixteenth District, Heard and Shelton—Total 6.

On motion of Mr. Sanders the reading of the journal of yesterday was dispensed with and the same stood approved.

Mr. Noel in the chair.

The courtesies of the Senate were extended to Mr. W. L. Roberts of Marshall County.

Mr. Sharborough, Chairman of the Committee on Enrolled Bills, called attention to the fact that the enrolled bills presented on yesterday were signed by acting President *pro tem.* Moore, and stated that whereas there is a question as to the legality of bills signed by an acting President *pro tem.*, and that whereas President *pro tem.* Kiger had returned and was presiding that he desired to have the sense of the Senate as to whether Mr. Kiger should sign same.

It was ordered that, although the Senate was satisfied that the action taken was legal, yet to obviate even a doubt the said bills should be signed by President *pro tem.* Kiger. Whereupon the said bills were presented for signature as follows, viz.:

H. B. No. 14, An Act to appropriate twenty-five hundred (\$2,500) dollars in the year 1902, and \$1,500 for the year 1903, for the maintenance of the Confederate Hospital Annex at Vicksburg, Mississippi, and to provide for the distribution of same.

H. B. No. 31, An Act to provide for the support and maintenance of the State Charity Hospital at Vicksburg.

H. B. No. 42, An Act to raise revenue by making valid and of binding effect all contracts made previous to the passage of this act and which are or were null and void or voidable under previous or existing laws because of non-payment of privilege taxes due when such contracts were made, upon terms of full payment of all such privilege taxes so in default with two hundred per centum damages thereon, within ninety days after the passage of this act.

H. B. No. 44, An Act to pay for legal services rendered the State in the suit of Warren County et al. vs. E. H. Nall, Land Commissioner.

H. B. No. 43, An Act to further carry into effect the contract made under Chapter 385, Acts of 1888, being an Act to better secure safety and health in the State institutions, etc., approved March 10, 1888, and defray expenses thereof.

H. B. No. 49, An Act for the support and maintenance of the State Normal School at Holly Springs.

H. B. No. 64, An Act making an appropriation to carry out the provisions of Chapter 76 of the Laws of the State of Mississippi of 1900, being an Act entitled An Act to enable the Auditor of Public Accounts and Land Commissioner of the State of Mississippi to properly conduct the affairs of their respective offices and to correct mistakes in land descriptions and land sales, and provide relief in repayment of moneys erroneously paid in privileges and State taxes and land purchases, and to save the State cost in passing bills for relief by local and private legislation in certain cases.

H. B. No. 82, An Act to provide for the protection of the property of the State of Mississippi at the Capitol from damage and destruction by fire and the appropriation of one thousand dollars for the year 1902, and one thousand dollars for the year 1903, for same.

H. B. No. 86, An Act to make an appropriation to pay A. W. Jones of Prentiss County balance on pension due him for the year 1899.

H. B. No. 99, An Act to repeal Chapter 39 of the Acts of 1898 and Chapter 121 of the Acts of 1900, and to authorize the Board of Supervisors to provide for the channeling of streams and the reclamation of overflowed lands, and to provide for the issuance and sale of interest-bearing bonds to raise funds with which to reclaim such lands.

H. B. No. 102, An Act to empower the Board of Supervisors of Perry County to order an election for the purpose of submitting to the qualified electors of said county the removal of the seat of justice of the First District of said county.

H. B. No. 112, An Act to appropriate money for the purpose of resupplying the wards of the State Charity Hospital at Vicksburg with beds and bed clothing.

H. B. No. 113, An Act to provide for the support and maintenance of the Natchez Hospital by appropriation.

H. B. No. 124, An Act to authorize and empower the Board of Supervisors of Tippah County to loan the Sixteenth Section or Chickasaw school fund to the common county fund at an annual rate per cent interest to be fixed by said Board.

H. B. No. 127, An Act to authorize the Board of Supervisors of Yazoo County to transfer from the special road fund of said county to the general fund of said county the sum of \$6,461.39.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bill, and now present it for your signature, to-wit:

S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892 relative to salaries, and also an Act to amend said Section of said Code so far as same relates to the salary of the Governor's Private Secretary, being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of the Governor from thirty-five hundred to forty-five hundred dollars, and the salary of each of the Supreme Judges from thirty-five hundred to forty-five hundred dollars.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bill read by its title and signed the same, calling the attention of the Senate thereto.

On motion of Mr. Gardner the courtesies of the Senate were extended to Misses Annie Hobson, sister of Lieutenant Hobson, of Alabama, and Katie Porter, of Jackson, Miss.

INTRODUCTION OF BILL.

Under a suspension of the rules S. B. No. 85, An Act to be entitled An Act to amend an Act entitled An Act to appropriate money to defray the expense incident to investigation of penitentiary affairs, as authorized by concurrent resolution No. 8, and to fix the compensation of witnesses before said committee and of Sergeant-at-Arms for service of process issued by said committee, compensation of stenographer employed by said committee and payment of incidental expenses incurred and to be incurred by said committee, approved February 13, 1902, so as to authorize and provide for all lawful expense incurred by said committee, was introduced by Mr. Moore, read twice and referred to the Finance Committee.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossed Bills:

MR. PRESIDENT: The Committee on Engrossed Bills has had under consideration the following bill referred to them, and have instructed me to report it back with the recommendation that the same has been correctly engrossed:

S. B. No. 57, An Act to amend Section 1, Chapter 54, Acts of 1900, in relation to issuance of State bonds for the purpose of erecting a new State house.

McGEHEE, *Chairman.*

Report of Judiciary Committee:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bills referred to it, and has instructed me to report them back with the following recommendations:

H. B. No. 120, An Act to amend Section 613 of the Annotated Code, and also to amend Chapter 86 of the Laws of 1900 for the purpose of extending the time of holding terms of the Circuit Court in the Fourth Circuit District, and to provide for terms of the Circuit Court in the Second Circuit Court District of Tallahatchie County.

Title sufficient and bill do pass as amended.

H. B. No. 121, An Act to create the Eleventh Circuit Court District of Mississippi, and to fix time for holding courts therein.

Title sufficient; bill do pass.

H. B. No. 157, An Act to amend Section 455 of the Code of 1892 as amended by Chapter 84 of the Laws of 1900 in relation to the terms of Chancery Court in the Seventh Chancery Court District so as to change and fix the time for holding Chancery Courts in the County of Tallahatchie.

Title sufficient; bill do pass.

H. B. No. 110, An Act to amend Section 121 of the Code of 1892, with reference to special judges and to require Judges and Chancellors to sit anywhere in the State.

Title sufficient; bill do not pass.

H. B. No. 128, An Act to amend Section 1300 of the Annotated Code of 1892 in regard to injury to telegraph lines so as to make the provision of said section apply to telephone lines.

Title sufficient; bill do pass.

H. B. No. 148, An Act to amend Section 3702 of the Code of 1892 in respect to the day fixed for the meeting of Presidential electors.

Title sufficient; bill do pass.

R. B. CAMPBELL, *Acting Chairman.*

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

H. B. No. 122, An Act to raise revenue by imposing a privilege tax on every person, firm or corporation who as a broker receives and transmits for the purchase or the sale for future delivery of any commodity or other thing.

Do pass; title sufficient.

S. B. No. 85, An Act to amend an Act entitled An Act to appropriate money to defray the expenses incident to the investigation of penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee and of Sergeant-at-Arms for service of process issued by said committee, compensation of stenographer employed by said committee, and payment of incidental expenses incurred and to be incurred by said committee, approved February 13, 1902, so as to authorize and provide for lawful expense incurred by said committee.

Title sufficient; do pass.

BRADLEY, *Chairman.*

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled concurrent resolutions, and now present them for your signature, to-wit:

S. C. R. No. 8, A concurrent resolution instructing the joint committee to continue the investigation of the affairs of the State penitentiary, authorizing them to send for persons and papers, etc.

S. C. R. No. 15, Authorizing joint committee to investigate penitentiary affairs to secure rooms in which to hold its sessions, granting permission to hold meetings during sessions of the two

Houses, and authorizing employment of all necessary clerical and other assistance in order to properly complete its labors.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the resolutions read by their titles and signed the same, calling the attention of the Senate thereto.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT: The Committee on Conference has had under consideration the disagreement of the two Houses on H. B. No. 32, An Act to make an appropriation to defray the expenses of the East Mississippi Insane Hospital for the years 1902 and 1903, and have reached the following agreement, to-wit: That the Senate recede from its amendment to said bill.

F. M. SHEPPARD, *Chairman*.

On motion of Mr. Dunn the foregoing report was adopted by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Cooper, Dent of Fourth District, Dunn, Evans, Falkner, George, Hicks, Hughes, Jones, Kiger, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 30.

Nays—Messrs. Farley, Hinton, Key, Martin—Total 4.

Absent and those not voting — Messrs. Abbay, Broyles, Chrisman, Crawford, Dent of Sixteenth District, Dulaney, Gardner, Greaves, Heard, Moore and Shelton—Total 11.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 67, To be entitled An Act to encourage the religious and educational interests in the State and to exempt all property belonging to or used by religious and educational bodies from taxation.

H. B. No. 68, To be entitled An Act to amend Section 4387 of the Code of 1892 in relation to the salary of the porter for the Supreme Court so as to increase same.

H. B. No. 135, To be entitled An Act to provide for the construction of macadamized roads.

H. B. No. 136, To be entitled An Act to provide for the payment of premiums on the bonds of the several State officials where made by guarantee or surety companies.

House Bill No. 159, To be entitled An Act to make an appropriation to pay the salary of the Assistant Attorney General for the years 1902 and 1903.

S. B. No. 73, To be entitled An Act to provide for the payment of interest due on the original seminary fund and the 1894 land grant fund for the support of the University of Mississippi for the years 1902 and 1903.

And has adopted the report of the Conference Committee on the disagreement of the two houses on Senate Bill No. 15, to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903, for buildings and equipment needed.

And has declined to concur in Senate amendment to House Bill No. 61, To be entitled An Act to make an appropriation to defray the expenses of the Institution for the Deaf and Dumb for the years 1902 and 1903, and asks a conference on the disagreement of the two houses on said bill and names as conferees on the part of the House Messrs. Cox of Prentiss, Taylor and Hubbard.

L. PINK SMITH, *Clerk.*

The Conference Committee touching H. B. No. 61, above set out in the message from the House asked for by the House was on motion granted, and the Chair appointed as said conferees on the part of the Senate Messrs. Sheppard, Dent of Fourth District, and Bailey.

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the Calendar were read twice and referred to committees as follows:

H. B. No. 67, An Act to encourage the religious and educational interests in the State and to exempt all property belonging to or used by religious and educational bodies from taxation.

To Education.

H. B. No. 68, An Act to amend Section 4387 of the Code of 1892 in relation to the salary of the porter for the Supreme Court, so as to increase same.

To Judiciary.

H. B. No. 135, An Act to provide for the construction of macadamized roads.

To County Affairs.

H. B. No. 136, An Act to provide for the payment of the premiums on the bonds of the several State officials when made by guarantee or surety companies.

To Finance.

H. B. No. 159, An Act to make an appropriation to pay the salary of the Assistant Attorney General for the years 1902 and 1903.

To Finance.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the unfinished business, being the motion to recommit with instructions S. B. No. 62, An Act to establish a State Teachers' Training School for white teachers, and to make an appropriation for the same, together with Mr. Adams' amendment thereto offered on yesterday.

Mr. Clinton moved to table the motion to recommit, which motion prevailed.

Mr. Bradley called the previous question on the passage of Mr. Adams' amendment.

The call was sustained, whereupon the amendment was lost by the following vote:

Yeas—Messrs. Adams, Bradley, Campbell, Cayce, Dulaney, Evans, Falkner, Farley, George, Hinton, Jones, Kiger, Martin, Seawright, Wharton, Yarbrough, Young—Total 17.

Nays — Bailey, Clinton, Cooper, Dent of Fourth District, Dunn, Greaves, Hicks, Hughes, Key, Looney, McGehee, Noel, Sharborough, Sheppard, Taylor, Ventress, Wilson—Total 17.

Absent and those not voting—Messrs. Abbay, Broyles, Chrisman, Crawford, Dent of the Sixteenth District, Gardner, Heard, Moore, Rowan, Sanders and Shelton—Total 11.

Thereupon the bill was considered engrossed, read a third time and failed to pass by the following vote, it requiring a majority of all the Senators elected to pass the bill, viz.:

Yeas—Messrs. Abbay, Bailey, Clinton, Dent of Fourth District, Dunn, Gardner, George, Hicks, Hughes, Jones, Kiger, McGehee, Noel, Rowan, Sharborough, Sheppard, Ventress, Wilson, Yarbrough—Total 19.

Nays—Messrs. Adams, Bradley, Campbell, Cayce, Cooper, Dulaney, Evans, Falkner, Farley, Greaves, Hinton, Key, Looney, Martin, Seawright, Taylor, Wharton, Young—Total 18.

Absent and those not voting — Messrs. Broyles, Chrisman, Crawford, Dent of Sixteenth District, Heard, Moore, Sanders and Shelton—Total 8.

Mr. Looney entered a motion to reconsider the vote whereby the bill failed to pass.

HOUSE MESSAGE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has adopted the report of the Conference Committee on the disagreement of the two Houses on H. B. No. 23, To be entitled An Act to appropriate money for the relief of indigent soldiers, sailors, widows and servants of the war between the States.

L. PINK SMITH, *Clerk*.

REPORT OF CONFERENCE COMMITTEE ON H. B. NO. 23.

MR. PRESIDENT: The Conference Committee appointed to confer with similar committee from the House touching the dis-

greement of the two Houses in the matter of the Senate amendment to H. B. No. 23, An Act to appropriate money for the relief of indigent soldiers, sailors, widows and servants of the war between the States, beg leave to submit the following report, viz.:

That the following substitute for Senate amendment be adopted, viz.: "If a pensioner has died or shall die at any time before the pension allowed has been received, there being no widow, then the Chancery Clerk of the county where the pensioner resided shall receipt to the County Treasurer for such pension, and out of the same first pay burial expenses of deceased pensioner, second the expenses of the last illness, and if there be any residue pay same to the minor children of deceased pensioner, if any; and if not to his heirs at law."

B. C. ADAMS, *Chairman Senate Committee.*

On motion of Mr. Adams the foregoing conference report was adopted by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Cooper, Dent of Fourth District, Dunn, Evans, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 38.

Absent and those not voting—Messrs. Broyles, Chrisman, Crawford, Dent of Sixteenth District, Dulaney, Heard and Shelton—Total 7.

Mr. George called up the motion heretofore entered to reconsider the vote whereby S. B. No. 80, An Act to provide for the assessment and taxation for county and levee purposes only of all revenue-bearing real estate belonging to the State and actually used and employed for profit, failed to secure the necessary vote to secure its passage, and moved that the same be reconsidered, which motion prevailed.

The following amendment to the bill, offered by Mr. Campbell, was adopted, viz.:

• Amend Section 1 by adding at the end of the first sentence thereof the following: "Said lands of the State in the levee districts shall also be charged with the acreage tax the same as is or may be charged upon the land of individuals."

Thereupon the bill as amended was considered engrossed, read a third time and failed to pass by the necessary three-fifths majority, as shown by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Campbell, Clinton, Dent of Fourth District, Dulaney, Dunn, Gardner, George, Greaves, Hicks, Hughes, Key, Kiger, Looney, Martin, Moore, Noel, Sanders, Taylor, Wilson, Yarbrough—Total 23.

Nays—Messrs. Adams, Cayce, Cooper, Evans, Falkner, Farley, Hinton, Jones, McGehee, Rowan, Seawright, Sharborough, Sheppard, Ventress, Wharton, Young—Total 16.

Absent and those not voting — Messrs. Broyles, Chrisman, Crawford, Dent of Sixteenth District, Heard and Shelton — Total 6.

Title standing as stated.

Mr. Cayce entered a motion to reconsider the vote whereby the bill failed to pass.

Mr. Cooper called up for consideration H. B. No. 66, An Act to appropriate money to pay the per diem and mileage of the Presidential electors for two meetings in December, 1900, and January, 1901, as directed by Section 3703 of the Annotated Code of 1892.

On motion of Mr. Cooper the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Cooper, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Rowan, Sanders, Seawright Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 36.

Nays—Mr. Clinton—Total 1.

Absent and those not voting — Messrs. Broyles, Chrisman, Crawford, Dent of Sixteenth District, Heard, Noel, Sharborough, Shelton—Total 8.

Title standing as stated.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892 relative to salaries, and also an Act to amend said section of said Code so far as same relates to the salary of Governor's Private Secretary, being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of the Governor from thirty-five hundred to forty-five hundred dollars, and the salary of each of the Supreme Judges from thirty-five hundred to forty-five hundred dollars.

B. W. SHARBOROUGH, *Chairman.*

Mr. Moore obtained consent to a suspension of the rules for the consideration out of order of S. B. No. 85, reported this morning, viz.: An Act to amend an Act to appropriate money to defray the expense incident to investigation of penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee and of Ser-

geant-at-Arms for service of process issued by said committee, compensation of stenographer employed by said committee and payment of incidental expenses incurred and to be incurred by said committee, approved February 13, 1902, so as to authorize and provide for all lawful expenses incurred by said committee.

On motion of Mr. Moore the rules were suspended, the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Dent of Fourth District, Dulaney, Evans, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Jones, Key, Kiger, Martin, McGehee, Moore, Sanders, Seawright, Sharborough, Sheppard, Ventress, Wharton, Wilson, Yarbrough, Young—Total 32.

Nays—Messrs. Cooper and Hughes—Total 2.

Absent and those not voting—Messrs. Broyles, Chrisman, Crawford, Dent of Sixteenth District, Dunn, Heard, Looney, Noel, Rowan, Shelton, Taylor—Total 11.

Title standing as stated.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being H. B. No. 57, An Act to secure the better enforcement of the anti-trust laws of this State by supplementary provisions more fully regulating the venue and procedure, establishing certain rules of evidence, imposing additional penalties and regulating the ownership and disposition of the property of corporations whose charters may be adjudged forfeited.

Mr. Bradley called the previous question upon the indefinite postponement of the bill.

The call was sustained, whereupon the motion to postpone prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Bradley, Clinton, Cooper, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Hughes, Jones, Kiger, Martin, McGehee, Rowan, Sanders, Seawright, Sheppard, Taylor, Wharton, Wilson, Young—Total 24.

Nays—Messrs. Adams, Campbell, Farley, Greaves, Hinton, Key, Looney, Noel, Sharborough—Total 9.

Absent and those not voting—Messrs. Bailey, Broyles, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Heard, Hicks, Moore, Shelton, Ventress and Yarbrough—Total 12.

Mr. Jones entered a motion to reconsider the vote whereby the bill failed to pass.

On motion of Mr. Hughes the Senate, at 1 P. M., took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 P. M. by President Harrison, a quorum being present.

Leave of absence from day to day was granted to Mr. Chrisman.

INTRODUCTION OF BILLS OUT OF ORDER.

S. B. No. 86, An Act to dedicate and designate a portion of the present capitol grounds to a Confederate Monumental Park, create a commission to have control of same and appropriate one thousand dollars for improvements thereof, was introduced out of order, under a suspension of the rules by Mr. Cayce, read twice and referred to the Judiciary Committee.

Mr. Sheppard called up the motion heretofore entered to reconsider the vote whereby S. B. No. 17, An Act to make an appropriation to defray the expenses of the State Board of Health for the years 1902 and 1903, passed the Senate and moved to table the motion to reconsider, which motion prevailed.

RESOLUTION.

The following resolution offered by Mr. Dunn, was adopted, viz.:

WHEREAS, The Assistant Sergeant-at-Arms, Mr. Frank Chiles, has been in the continuous service of the Senate since his appointment, the greater portion of the time acting as Sergeant of the Senate in the absence of the Sergeant-at-Arms, who has been necessarily absent and on duty for the Penitentiary Investigation Committee; therefore, be it

Resolved, That the said Assistant Sergeant-at-Arms, Mr. Frank Chiles, be, and he is hereby allowed the sum of four dollars per day from and including January 24th, the date of his appointment and until his services are dispensed with, to be paid out of the Senate legislative contingent fund, and the Auditor is hereby authorized to issue his warrant on the treasury for the same, as in the case of the regular Sergeant-at-Arms.

Mr. Gardner obtained consent to call up H. B. No. 120, An Act to amend Section 613 of the Annotated Code, and also to amend Chapter 86 of the Laws of 1900 for the purpose of extending the time for holding terms of the Circuit Court in the Fourth District and to provide for terms of the Circuit Court in the Second Circuit Court District of Tallahatchie County.

The following amendments, offered by the committee, were severally adopted, viz.:

Amend by striking out on the tenth line the words "second Monday of June," and insert in lieu thereof the words "the fourth Monday of June."

And also strike out on the 14th and 15th lines the words "the first Monday of September" and "the first Monday of March," and insert in lieu thereof the words "the fourth Monday of September" and "the fourth Monday of March."

And strike out the words on the 17th line "the first Monday of April," and insert the words "the third Monday of April."

And strike out on the 20th line the words "the first Monday of May," and insert in lieu thereof the words "the third Monday of May."

And strike out on the 22d line the words "the fourth Monday of May," and insert in lieu thereof the words "the second Monday of June."

On motion of Mr. Gardner the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Dent of Fourth District, Dunn, Evans, Falkner, Farley, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, McGehee, Noel, Rowan, Sharborough, Sheppard, Taylor, Wilson, Young—Total 28.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Greaves, Heard, Martin, Moore, Sanders, Seawright, Shelton, Ventress, Wharton and Yarbrough—Total 17.

Title standing as stated.

Mr. Bradley called up the motion heretofore entered to reconsider the vote whereby H. B. No. 11, An Act to create the Exposition Bureau, to provide for an exhibit at the Louisiana Purchase Exposition and to make an appropriation therefor, passed the Senate and moved to table the motion to reconsider, which motion prevailed.

Mr. Noel called from the table H. B. No. 89, An Act to require the members of the Board of Control and the Warden of the penitentiary to pay into the general fund of the State treasury, immediately upon the request thereof, any money they receive from the labor of convicts, or from the sale of agricultural products produced on farms worked by the State, or from the sale of any penitentiary property, and to provide for disbursements for penitentiary purposes from the State treasury on the Auditor's warrant, and to provide for the making of an appropriation to meet such disbursements.

Mr. Adams moved to reconsider the vote whereby the amendment to the bill proposed by Mr. Abbay was heretofore adopted, which motion prevailed, whereupon Mr. Abbay withdrew his said amendment.

To the bill as amended the following amendment, offered by Mr. Campbell, was adopted, viz.:

Amend Section 2 by striking out the word "penitentiary," in line 2 and inserting in lieu thereof the word "State."

To the bill as amended the following amendment, offered by Mr. Campbell, was adopted, viz.:

Amend Section 2 by adding after the word "control," in last line, the following words, "or a majority of the same."

Thereupon the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Dent of Fourth District, Dunn, Evans, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Yarbrough, Young—Total 31.

Absent and those not voting—Messrs. Abbay, Broyles, Chrisman, Clinton, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Heard, Moore, Shelton, Sheppard, Wharton and Wilson—Total 14.

Title standing as stated.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT: The Conference Committee on H. B. No. 61, An Act to make an appropriation to defray the expenses of the Institution for the Deaf and Dumb for the years 1902 and 1903, beg leave to submit the following report, viz.:

That the Senate recede from its proposed amendment.

F. M. SHEPPARD, *Chairman Senate Committee.*

W. M. COX, *Chairman House Committee.*

On motion of Mr. Sheppard the foregoing report of the Conference Committee was adopted by the following vote, viz.:

Ayes — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Dent of Fourth District, Dunn, Evans, Falkner, Farley, George, Greaves, Hicks, Kiger, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wilson, Yarbrough, Young—Total 28.

Nays—Messrs. Hinton, Jones, Key, Looney—Total 4.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Gardner, Heard, Hughes, Moore, Shelton and Wharton—Total 13.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being four Senate Bills relating to penitentiary affairs, viz.:

S. B. No. 37, An Act to amend Section 3182, Code 1892, so as to require appraisers' inventory to be made on January 1st each year, and Clerks' books to be balanced from same.

On motion of Mr. Noel the following committee amendment was adopted, viz.:

Amend Section 1 as follows, to-wit: Add after the word "that" in second line of Section 1, the following: "Section 3182

of the Annotated Code of Mississippi be amended so as to read as follows."

On motion of Mr. Noel the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Dent of Fourth District, Dunn, Evans, Farley, Gardner, George, Greaves, Hicks, Hinton, Jones, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Yarbrough, Young—Total 28.

Nays—Messrs. Falkner and Hughes—Total 2.

Absent and those not voting—Messrs. Abbay, Broyles, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Heard, Moore, Shelton, Sheppard, Wharton and Wilson—Total 15.

Title standing as stated.

On motion the following bills were tabled subject to call, viz.:

S. B. No. 38, An Act to classify the State convicts and fix values on labor of same.

S. B. No. 39, An Act to amend Section 3119, Code 1892, so as to include grades or class number for convicts.

S. B. No. 40, An Act to amend Section 3182, Code of 1892, so as to strike out the names of the Governor and Attorney General as officers of the Board of Control.

Mr. McGehee called up H. B. No. 139, An Act for the relief of J. M. Duke.

On motion of Mr. McGehee the bill was read a third time and passed by the following vote viz.:

Yeas—Messrs. Bailey, Bradley, Campbell, Cayce, Dent of Fourth District, Dunn, Evans, Falkner, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Noel, Sanders, Seawright, Sheppard, Taylor, Ventress, Wilson, Yarbrough, Young—Total 29.

Absent and those not voting—Messrs. Abbay, Adams, Broyles, Chrisman, Clinton, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Evans, Heard, Moore, Rowan, Sharborough, Shelton and Wharton—Total 16.

Title standing as stated.

Mr. Jones called up the motion this morning entered to reconsider the vote whereby H. B. No. 57, An Act to secure the better enforcement of the anti-trust laws of this State by supplementary provisions more fully regulating the venue and procedure, establishing certain rules of evidence imposing additional penalties and regulating the ownership and disposition of the property of corporations whose charters may be adjudged forfeited, was indefinitely postponed and moved that the same be reconsidered.

Pending consideration of which motion the Senate, at 5 P. M., on motion of Mr. Dunn, adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

THIRTY-THIRD DAY.

WEDNESDAY, February 19, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Cooper, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wilson, Yarbrough, Young — Total, 37.

Absent — Messrs. Broyles, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Farley, Greaves, and Wharton — Total, 8.

On motion of Mr. Dunn, the reading of the journal of yesterday was dispensed with and the same stood approved.

Leave of absence from day to day was granted to Mr. Farley.

Mr. Dunn called up S. B. No. 58, An Act to provide for the appointment of an Assistant Attorney General, and to prescribe his qualifications, duties and compensations, and moved that the House amendment to same, striking out Section 3, be concurred in, which motion prevailed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, George, Heard, Hicks, Hughes, Key, Kiger, Martin, McGehee, Noel, Seawright, Shelton, Sheppard, Taylor, Ventress, Yarbrough — Total 24.

Nays — Messrs. Hinton, Jones, Looney, Sharborough — Total, 4.

Absent and those not voting — Messrs. Bailey, Broyles, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Sixteenth District, Farley, Gardner, Greaves, Moore, Rowan, Sanders, Wharton, Wilson, and Young — Total, 17.

Mr. Bradley called up the motion heretofore entered to reconsider the vote whereby H. B. No. 57 was indefinitely postponed, An Act to secure the better enforcement of the anti-trust laws of this State by supplementary provisions more fully regulating the venue and procedure, establishing certain rules of evidence, imposing additional penalties and regulating the ownership and disposition of the property of corporations, whose charters may be adjudged forfeited, failed to pass, and moved to table the motion to reconsider, which motion was lost by the following vote, viz.:

Yeas — Messrs. Bradley, Dent of Fourth District, Evans, Falkner, Gardner, Heard, Hughes, Kiger, Wilson — Total, 9.

Nays — Messrs. Abbay, Adams, Bailey, Campbell, Cayce, Cooper, George, Greaves, Hinton, Jones, Key, Looney, Martin,

McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Taylor, Ventress, Yarbrough, Young — Total, 25.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Farley, Hicks, Sheppard, and Wharton — Total, 11.

The vote recurring on the motion to reconsider the vote whereby the bill was indefinitely postponed, resulted in a tie, as shown by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Campbell, Cayce, Cooper, Dent of Sixteenth District, Greaves, Hicks, Hinton, Jones, Key, Looney, Moore, Noel, Sanders, Sharborough, Taylor, Ventress, Yarbrough — Total, 20.

Nays — Messrs. Bradley, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Heard, Hughes, Kiger, Martin, McGehee, Rowan, Seawright, Shelton, Sheppard, Wharton, Wilson, Young — Total, 20.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Crawford, and Farley — Total, 5.

The President cast the deciding vote in the negative, which resulted in the motion to reconsider being lost.

EXPLANATION OF VOTE.

I voted "no," because I considered it opposed to the spirit of our free institutions to have Mississippians dragged from their homes and friends to be tried at Jackson, which is not done to the greatest criminal in the State. This was the greatest crime that we charged against the Republican party in the dark days of reconstruction, hence I could not endorse it in this bill. Furthermore, I am in favor of having capital brought into the State to develop its resources, and the bill seemed to be against the formation of corporations for this purpose instead of against trusts, as its title seemed to imply. I am opposed to trusts and all manner of combines, but not to honest corporations, which build up the State, reduce taxation, and increase the price of agricultural products. I wish that there was a railroad and a dozen factories in each county in the State.

JAMES T. HARRISON.

REPORT OF CONFERENCE COMMITTEE.

The Committee on Conference as to H. B. No. 48 has had under consideration the above bill referred to them, and have instructed me to report same back with the following recommendations:

That Senate recede from amendment item No. 8, which increases House appropriation for Farmers' Institute from \$3,000 to \$10,000.

That Senate recede from amendment item No. 16, which empowers the Board of Trustees to raise the salary of the President

to an amount not in excess of that paid to Chancellor of the University of President of the I. I. and C.

That House concur in Senate amendment item No. 9, which increases House appropriation for Scientific Library, Museum, Agricultural and Horticultural Building from \$30,000 to \$40,000.

J. B. BAILEY, *Chairman,*
On part of Senate Committee.

W. W. COODY,
On part of House Committee.

On motion of Mr. McGehee, the foregoing conference report was adopted by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, George, Greaves, Hicks, Hinton, Jones, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young — Total, 31.

Nays — Messrs. Cooper and Ventress — Total, 2.

Absent and those not voting — Messrs. Abbay, Broyles, Chrisman, Clinton, Crawford, Dulaney, Farley, Gardner, Heard, Hughes, Key, Moore — Total, 12.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 159, An Act to make an appropriation to pay the salary of the Assistant Attorney General for the years 1902 and 1903.

Title sufficient; do pass.

BRADLEY, *Chairman.*

Report of Committee on County Affairs:

MR. PRESIDENT: The Committee on County Affairs has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 135, An Act to provide for the construction of macadamized roads.

Title sufficient; that bill do pass.

GEORGE, *Chairman.*

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 15, An Act to make an appropriation for the support of the University of Mississippi for the years 1902 and 1903, and for buildings and equipment needed.

S. B. No. 73, An Act to provide for the payment of interest due on the original seminary fund and the 1894 land grant fund for the support of the University of Mississippi for the years 1902 and 1903.

S. B. No. 36, An Act to amend Chapter 215 of the Acts of 1896, authorizing the Mobile, Jackson & Kansas City Railroad Company to locate its railroad within the State of Mississippi.

S. B. No. 54, An Act to amend the charter of the town of Rosedale, so as to authorize the mayor and town council of said town to issue under certain conditions the bonds or other obligations of said town, not to exceed in amount including all outstanding bonds, seven per centum of the assessed value of the taxable property of said town, as shown by the assessment rolls thereof, for the purpose of raising money for the purchase of land and erection of school buildings thereon; for the erection, providing or purchase of waterworks, the sinking of artesian wells, the establishment of a sewerage system, securing protection from fires, improving the streets and sidewalks, or for the liquidation of outstanding debts of said town.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bills read by their titles, and signed the same, calling the attention of the Senate thereto.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 23, An Act to appropriate money for the relief of indigent soldiers, sailors, widows and servants of the war between the States.

H. B. No. 32, An Act to make an appropriation to defray the expenses of the East Mississippi Insane Hospital for the years 1902 and 1903.

H. B. No. 46, An Act making an appropriation for the equipment and support of the Branch Agricultural Experiment Station, at McNeill, Miss.

H. B. No. 62, An Act making an appropriation for maintenance and support of the Alcorn Agricultural and Mechanical College, and for the erection of additional buildings for the use of the students of said college for the years 1902 and 1903.

H. B. No. 80, An Act making an appropriation for the payment of fees due Critz & Becket for legal services rendered the State in injunction suits against the Railroad Commission.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bills read by their titles, and signed the same, calling the attention of the Senate thereto.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 18, 1902.

To the Legislature of the State of Mississippi.

GENTLEMEN: I have the honor to submit for your consideration and such action as you may deem proper the following subject, to-wit:

An Act to authorize the Board of Supervisors of Amite County to transfer money from the common county fund to the school fund.

Respectfully,

A. H. LONGINO, *Governor.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to His Excellency the Governor, for his approval, the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 15, An Act to make appropriation for the support of the University of Mississippi for the years 1902 and 1903, and for buildings and equipment needed.

S. B. No. 36, An Act to amend Chapter 215 of the Acts of 1896, authorizing the Mobile, Jackson & Kansas City Railroad Company to locate its railroad within the State of Mississippi.

S. B. No. 54, An Act to amend the charter of the town of Rosedale, so as to authorize the mayor and town council of said town to issue, under certain conditions, the bonds or other obligations of said town, not to exceed in amount, including all outstanding bonds, seven per centum of the assessed value of the taxable property of said town, as shown by the assessment rolls thereof, for the purpose of raising money for the purchase of land and erection of school buildings thereon, for the erection, providing or purchase of waterworks, the sinking of artesian wells, the establishment of a sewerage system, securing protection from fires, improving the streets and sidewalks, or for the liquidation of outstanding debts of said town.

S. B. No. 73, An Act to provide for the payment of interest due on the original seminary fund and the 1894 land grant fund for the support of the University of Mississippi for the years 1902 and 1903.

B. W. SHARBOROUGH, *Chairman.*

INTRODUCTION OF BILL.

S. B. No. 87, An Act to amend Section 4151 of the Annotated Code of 1892, so as to provide for loan of Sixteenth Section Funds, was introduced by Mr. Cayce, read twice, under a suspension of the rules, and referred to the Judiciary Committee.

HOUSE BILLS ON THIRD READING.

H. B. No. 140, An Act to authorize and empower the Mayor and Board of Aldermen of the city of Holly Springs, Mississippi, to loan annually, on good and sufficient security, the sinking fund provided by them for the payment of certain bonds issued to establish an electric light plant and waterworks system, until the maturity thereof, or until they have the option of paying said bonds.

On motion of Mr. Hinton, the bill was read a third time, and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Cayce, Dent of Fourth District, Dent of Sixteenth District, Dunn, Gardner, George, Greaves, Hicks, Hinton, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Ventress, Wharton, Wilson, Young — Total, 30.

Nays — Mr. Campbell — Total, 1.

Absent and those not voting—Messrs. Abbay, Broyles, Chrisman, Clinton, Cooper, Crawford, Dulaney, Evans, Falkner, Farley, Heard, Hughes, Taylor and Yarbrough — Total, 14.

Title standing as stated.

H. B. No. 128, An Act to amend Section 1300 of the Annotated Code of 1892, in regard to injury to telegraph lines, so as to make the provisions of said section apply to telephone lines.

On motion of Mr. Hicks, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Dent of Fourth District, Dent of Sixteenth District, Dunn, Gardner, George, Greaves, Heard, Hicks, Hinton, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Sanders, Seawright, Sharborough, Shelton, Sheppard, Ventress, Wharton, Wilson, Yarbrough, Young — Total, 32.

Absent and those not voting — Messrs. Abbay, Broyles, Chrisman, Clinton, Cooper, Crawford, Dulaney, Evans, Falkner, Farley, Hughes, Rowan, and Taylor — Total, 13.

Title standing as stated.

H. B. No. 121, An Act to create the Eleventh Circuit Court District of Mississippi and fix the time for holding courts therein.

Mr. Young offered the following amendment, viz.:

AMENDMENT TO HOUSE BILL NO. 121.

"Strike out the word 'and' in fifth line of Section 1, and add after the word 'Coahoma' in the fifth line of said section, the words, 'and Calhoun.'"

Strike out all of Section 2 except the first two lines thereof, and insert in lieu thereof the following:

In the County of Yalobusha, First District, Second Monday of February and August, 12 days.

Yalobusha County, Second District, fourth Monday of February and August, 12 days.

In the County of Tunica, fourth Monday of January and July, 12 days.

In the County of Quitman, second Monday of March and September, 12 days.

In the County of Tallahatchie, First District, second Monday of January and July, 12 days.

Tallahatchie County, Second District, third Monday of May and November, 12 days.

In the County of Coahoma, First District, fourth Monday of March and September, 18 days.

Coahoma County, Second District, third Monday of April and October, 24 days.

In the County of Calhoun, first Monday of June and December, 12 days.

Mr. Abbay moved to table the amendment, which motion was lost.

Mr. Rowan called the previous question upon the adoption of the amendment and the passage of the bill. The call was sustained, whereupon the amendment was adopted, and the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Cayce, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Falkner, Gardner, George, Greaves, Heard, Hicks, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young — Total, 31.

Nays — Messrs. Abbay, Campbell, Key, Martin, Moore — Total, 5.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Cooper, Crawford, Dunn, Evans, Farley, Seawright — Total, 9.

Title standing as stated.

The courtesies of the Senate were extended to Hon. W. S. Stevens, of Carroll.

H. B. No. 88, An Act to appropriate from the pension fund returned to the State Treasury, \$475 to refund to C. L. Graham, Treasurer of Itawamba County, money paid out as pensions by

mistake to persons whose applications were received after the distribution of the pension fund to the counties by the Auditor.

On motion of Mr. Cayce, the bill was read a third time, and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Campbell, Cayce, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, Heard, Hicks, Hinton, Jones, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Young — Total, 28.

Absent and those not voting — Messrs. Abbay, Bradley, Broyles, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Evans, Farley, George, Greaves, Hughes, Martin, Seawright, Wilson, and Yarbrough — Total, 17.

Title standing as stated.

H. B. No. 157, An Act to amend Section 455 of the Code of 1892, as amended by Chapter 84 of the Laws of 1900, in relation to terms of Chancery Court in the Seventh Chancery Court District, so as to change and fix the time for holding Chancery Courts in the County of Tallahatchie.

On motion of Mr. Gardner, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Campbell, Cayce, Dent of Sixteenth District, Dunn, Gardner, Heard, Hicks, Hinton, Jones, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Ventress, Wharton, Yarbrough, Young — Total, 26.

Absent and those not voting — Messrs. Abbay, Bradley, Broyles, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dulaney, Evans, Falkner, Farley, George, Greaves, Hughes, Martin, Seawright, Taylor, and Wilson — Total, 19.

Title standing as stated.

Mr. Moore entered a motion to reconsider the vote whereby the bill passed.

REPORT OF STATE HOUSE COMMISSION.

MISSISSIPPI STATE HOUSE COMMISSION,
JACKSON, MISS., February 19, 1902.

To the State Senate.

The State House Commission, in response to the resolution of your Honorable Body, requesting us to furnish, for the information of the Senate, the amount of fire insurance now in force which has been heretofore carried on the new State House, as required by Section 13, Chapter 55, Laws of 1900, respectfully begs leave to report:

The amount of builder's insurance required by said Section 13, Chapter 55, Laws of 1900, on the new Capitol now in force is \$185,000, which is in fact amply sufficient to secure the interest of the State in a stone and brick shell absolutely incombustible and

can not be burned or injured in its present condition to any extent whatever. However, to comply with the law, the contractors were, at the last meeting of the Commission — on February 7th — directed to apply for builders' insurance equal to the amount paid them up to date. The building is fire-proof, and the danger from storm is unquestionably small, and we have no hesitancy in saying that the insurance now in force is amply sufficient to protect the interest of the State, yet our purpose has been, and is, to comply strictly with the law, and expect to have in a short time builders' insurance for an amount equal to any and all payments made by the State to the contractors. The State has not advanced to the contractors any money whatever, nor has it paid for anything until it has been approved, accepted, and actually placed in the building.

By order of the State House Commission.

L. T. FITZHUGH, JR., *Secretary*.

INTRODUCTION OF BILL OUT OF ORDER.

Under a suspension of the rules, S. B. No. 88, An Act to aid, assist and encourage the organization of the Mississippi National Guards, and for their efficient support and maintenance as contemplated in Section 221 of the Constitution of the State of Mississippi, was introduced by Mr. Heard, read twice and referred to Committee on Military Affairs.

At 1.10 P. M. the Senate went into executive session with closed doors.

At 1.15 P. M. the Senate resumed legislative business with open doors, and thereupon, on motion of Mr. Kiger, took a recess until 3.30 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3.30 P. M. by President Harrison, a quorum being present.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

Report of Committee on Military Affairs:

MR. PRESIDENT: The Committee on Military Affairs has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 28, Entitled An Act to amend Section 2 of Chapter 75, Laws of 1900, approved March 10, 1900, so as to change the composition of the Board of Inquiry, and to provide compensation for the members of the Board.

That it do pass.

Senate Bill No. 84, Entitled An Act to increase the salary of the Adjutant General to six hundred dollars.

That it do pass.

S. B. No. 88, An Act making appropriation for the National Guards.

That it do pass, and that the titles of each of said Acts are sufficient.

E. F. NOEL, *Chairman*.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

House Joint Resolution No. 5, To have the Trustees and President of the Deaf and Dumb Institute invite bids for the sale of the property now used as the Deaf and Dumb Institute, and report at the next session of the Legislature.

House Joint Resolution requesting our Senators and Representatives in Congress to vote for a bill to purchase Temple Farm and Moore House.

House Concurrent Resolution asking the United States Fish Commission to investigate the Oyster Industries of Mississippi, and report thereon.

House Concurrent Resolution in regard to the expense of the special committee appointed at the session of 1900 to investigate the State Penitentiary management.

House Concurrent Resolution in regard to the resignation of Ex-Treasurer J. R. Stowers.

H. B. No. 139, An Act for the relief of J. W. Duke.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the resolutions and bill read by their titles, and signed the same, calling the attention of the Senate thereto.

The Senate being in session, the Lieutenant Governor arose and said that, having been absent from Jackson on yesterday when H. B. No. 57 was considered and indefinitely postponed by a vote of 24 to 9, and being under the impression that, as usual, the bill had been discussed and every opportunity to amend the same had been given; voted against a reconsideration because he thought it would not amount to anything, and the time of the Senate be unnecessarily consumed and the session would close on to-morrow, and the general appropriation bill and others of importance to be

considered (although he had heard that the session might be extended), but having since learned that there was no opportunity to amend the bill because the previous question had been ordered; had he known this, he would have voted to reconsider, for, while he was opposed to the bill, because it brought citizens from their homes to be tried in Jackson, and would have crushed home enterprises, besides keeping out investments by way of new factories, railroads, etc., yet he would have voted for the bill. With some of these drastic measures stricken out, being already on record as having voted for an anti-trust bill.

He also stated that the Governor had just informed him that he would send in a message in a few moments, extending the session of the Legislature until March 1st, and that the friends of the measure would now have plenty of time to propose a bill and have it pass the Senate and House, and that he would be glad of an opportunity to vote for the same, and would give the bill every lawful opportunity for speedy passage in the Senate.

JAMES T. HARRISON.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 19, 1902.

MR. PRESIDENT: I am directed by His Excellency the Governor to inform the Senate that he has this day approved the following bill, to-wit:

S. B. No. 59, An Act to amend Section 3952 of the Annotated Code of 1892, relative to salaries, and also an Act to amend said section of said Code so far as same relates to the salary of the Governor's Private Secretary, being Chapter 38 of the sheet Acts of 1900, approved March 10, 1900, so as to increase the salary of the Governor from thirty-five hundred to forty-five hundred dollars; and the salary of each of the Supreme Judges from thirty-five hundred dollars to forty-five hundred dollars.

Respectfully,

J. J. COMAN, *Private Secretary.*

GOVERNOR'S PROCLAMATION.

EXECUTIVE DEPARTMENT,
JACKSON, MISS.

Proclamation by the Governor.

WHEREAS, It is manifest that the important business of the Legislature can not be completed within the time fixed by my proclamation of the 5th day of February, 1902, extending the sitting until and including the 20th day of February, 1902.

NOW, THEREFORE, I, A. H. Longino, Governor of the State of Mississippi, by virtue of the authority vested in me by Section 36 of the Constitution of the State of Mississippi, do issue this, my

proclamation, in writing, to be transmitted to each House to be entered upon the journals thereof, extending the sitting of the Legislature for a period of eight days, or until and including the 28th day of February, A. D. 1902.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

Done at the Capitol in the city of Jackson, this the 19th day of February, in the year of our Lord 1902.

[SEAL.]

A. H. LONGINO.

By the Governor:

JOS. W. POWER,
Secretary of State.

RESOLUTION.

Mr. Evans offered the following resolution, viz.:

Resolved, By the Senate, the House concurring, that the Special Joint Committee to investigate the Penitentiary be required to make their report to the Legislature at once.

Mr. Hughes proposed the following amendment, viz.:

Amend by striking out the words "at once," and insert the words, "by the 26th day of February, 1902," which amendment was accepted by Mr. Evans.

The following amendment to the resolution as amended, offered by Mr. Jones, was accepted by Mr. Evans, viz.:

Amend by striking out the word "required" and by inserting in lieu thereof the word "requested."

The following amendment to the resolution as amended, offered by Mr. Noel, was accepted, viz.:

Add at the end thereof the words, "if practicable."

To the resolution as amended, Mr. Bradley offered the following amendment, viz.:

"If at that date they are not able to make a complete report, they are hereby requested to make a report and indicate therein what matters are yet to be investigated."

Mr. Taylor called the previous question upon the whole subject matter.

The call was sustained, whereupon Mr. Bradley's amendment was lost.

Thereupon, the resolution, as amended, was adopted by the following vote, viz.:

Yeas — Messrs. Bailey, Bradley, Cayce, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Greaves, Hicks, Hughes, Jones, McGehee, Seawright, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young — Total, 21.

Nays — Messrs. Adams, Campbell, George, Hinton, Key, Kiger, Looney, Martin, Noel, Rowan, Sanders, Sharborough, Shelton, Ventress — Total, 14.

Absent and those not voting — Messrs. Abbay, Broyles, Chrisman, Clinton, Crawford, Dulaney, Farley, Gardner, Heard, Moore — Total, 10.

EXPLANATION OF VOTE.

I voted against the adoption of the concurrent resolution requesting the Investigating Committee of Penitentiary Affairs to report on the 26th instant, because, among other reasons, the chairman of that committee stated, on the floor of the Senate, during the discussion, that it was a physical impossibility to even have the stenographic notes of the evidence elongated by that time; and that, notwithstanding the committee's efforts, from the first, they had not, till now, been able to get Mr. Parchman on the stand as a witness, and that his examination would consume several days, and that Mr. Parchman would be followed by three members of the Board of Control and other witnesses now subpoenaed.

E. F. NOEL,

Senator Twenty-first District.

Mr. Bradley called up H. B. No. 122, An Act to raise revenue by imposing a privilege tax on every person, firm, or corporation, who as a broker receives and transmits, for the purchase or the sale for future delivery of any commodity or other things.

Mr. Cayce offered the following amendment to the bill, to-wit:

Amend Section 1, by inserting after the word "thing," in the fourth line, the words "the commodity or other thing being intended by the purchaser or seller at the time to be actually delivered or received in kind and the price therefor to be paid."

Mr. Bradley moved to table the amendment, which motion was lost.

Mr. Dunn offered the following substitute for Mr. Cayce's amendment, viz.:

Amend Section 1 by inserting after the word "thing," in the fourth line, the words, "the commodity or other thing being intended by the purchaser or seller at the time to be actually delivered or received in kind, or the equivalent thereof in value."

Pending consideration of which motion, at 6 o'clock P. M. the Senate, on motion of Mr. Sharborough, adjourned until 10 o'clock to-morrow morning.

JOHN Y. MURRY, JR., *Secretary.*

THIRTY-FOURTH DAY.

THURSDAY, February 20, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names :

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Greaves, Heard, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 40.

Absent—Messrs. Broyles, Chrisman, Clinton, Crawford, Farley—Total 5.

On motion of Mr. Kiger the reading of yesterday's journal was dispensed with and same stood approved.

The Senate proceeded to the consideration of unfinished business, being Mr. Dunn's substitute to Mr. Cayce's amendment to H. B. No. 122, An Act to raise revenue by imposing a privilege tax on every person or firm or corporation who as a broker receives and transmits for the purchase or sale for future delivery of any commodity or other things, which said amendment and substitute was set out in yesterday's journal.

Mr. Dunn obtained unanimous consent to withdraw his substitute.

The vote recurring on Mr. Cayce' amendment, heretofore set out, the same was lost by the following vote, viz.:

Messrs. Adams, Bailey, Campbell, Cayce, Cooper, Dent of Sixteenth District, Hinton, Jones, Looney, Sanders, Shelton, Yarbrough—Total 12.

Nays — Messrs. Abbay, Bradley, Dent of Fourth District, Dunn, Evans, Falkner, Gardner, George, Greaves, Heard, Hicks, Hughes, Key, Kiger, Martin, McGehee, Rowan, Seawright, Sheppard, Taylor, Wharton, Wilson, Young—Total 23.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Crawford, Dulaney, Farley, Moore, Noel, Sharborough and Ventress—Total 10.

Mr. Sheppard called the previous question upon the third reading and passage of the bill.

The call was sustained, whereupon the bill was read a third time and failed to secure the Constitutional three-fifths vote, as shown by the following vote, viz.:

Yeas—Messrs. Abbay, Bradley, Cooper, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Gardner, Greaves, Heard,

Hicks, Hughes, Kiger, McGehee, Rowan, Sheppard, Taylor, Wharton, Wilson—Total 20.

Nays—Messrs. Adams, Bailey, Cayce, Dent of Sixteenth District, Hinton, Jones, Key, Looney, Martin, Noel, Sanders, Shelton, Yarbrough, Young—Total 14.

Absent and those not voting—Messrs. Broyles, Campbell, Chrisman, Clinton, Crawford, Farley, George, Moore, Seawright, Sharborough and Ventress—Total 11.

PAIRS.

Mr. Campbell announced that he was paired on the passage of this bill with Mr. Clinton; if present Mr. Clinton would vote "aye," Mr. Campbell "nay."

Mr. Key entered a motion to reconsider the vote whereby the bill failed to pass.

The courtesies of the Senate were extended to Hon. Thos. Keith, Newton, and Messrs. E. L. Calhoun of Covington, and G. B. Harper of Newton.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 19, 1902.

GENTLEMEN: I am directed by his Excellency the Governor to inform the Senate that he has this day approved the following bills, to-wit:

S. B. No. 54, An Act to amend the charter of the town of Rosedale so as to authorize the Mayor and Town Council of said town to issue upon certain conditions the bonds or other obligations of said town, not to exceed in amount, including all outstanding bonds, seven per centum of the assessed value of the taxable property of said town, as shown by the assessment rolls thereof, for the purpose of raising money for the purchase of land and the erection of school buildings thereon, for the erection, providing or purchase of waterworks, the sinking of artesian wells, the establishment of a sewerage system, securing protection from fires, improving the streets and sidewalks, or for the liquidation of outstanding debts of said town.

S. B. No. 36, An Act to amend Chapter 215 of the Acts of 1896, authorizing the Mobile, Jackson & Kansas City Railroad Company to locate its railroad within the State of Mississippi.

S. B. No. 15, An Act to make appropriation for the support of the University of Mississippi for the years 1902 and 1903, and for buildings and equipment needed.

Respectfully,

J. J. COMAN, *Private Secretary.*

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following bills, which are herewith transmitted, to-wit:

S. B. No. 70, To be entitled An Act authorizing the Board of Supervisors of Attala County to loan fifteen hundred dollars from the general county fund to the school fund.

S. B. No. 82, To be entitled An Act to amend Section 2 of Chapter 79, Acts 1900.

S. B. No. 81, To be entitled An Act to validate and confirm the proceedings of the Nashville & Mississippi Delta Railroad Company, and to authorize the Directors of said Company to proceed under the provisions of its charter to construct a railroad in Mississippi.

H. B. No. 155, To be entitled An Act authorizing the Board of Supervisors of Covington County to order an election for the purpose of submitting to the qualified electors of said county the removal of the county seat of said county.

H. B. No. 166, To be entitled An Act to amend Section 4017 of the Annotated Code of 1892 relating to examinations of teachers.

And failed to pass:

S. B. No. 64, To be entitled An Act to appropriate money to pay interest accrued and to accrue to November 1, 1903, upon the fund deposited in the State treasury as proceeds of lands sold, such lands having been donated by the United States Government to the Industrial Institute and College at Columbus, and to prescribe purposes for which such interest may be used by the Trustees of said Institute and College.

And has agreed to the report of the Conference Committee on the disagreement of the two Houses on House Bill No. 23, To be entitled An Act to appropriate money for the relief of indigent soldiers, sailors, widows and servants of the war between the States.

And has also agreed to report of Conference Committee on the disagreement of the two Houses on House Bill No. 61, To be entitled An Act to make an appropriation to defray the expenses of the Institution for the Deaf and Dumb for the years 1902 and 1903.

And has concurred in Senate amendments to House Bill No. 89, To be entitled An Act to require the members of the Board of Control and the Warden of the State penitentiary to pay into the general fund of the State treasury, immediately upon the receipt thereof, any money they receive from the labor of convicts, or from the sale of agricultural products produced on farms worked by the State, or from the sale of any penitentiary property, and to provide for disbursements for penitentiary purposes from the State treasury on the Auditor's warrant, and to provide for the making of an appropriation to meet such disbursements.

And has declined to concur in Senate amendments to House Bill No. 121, To be entitled An Act to create the Eleventh Circuit Court District of Mississippi and fix the time for holding courts therein, and asks a conference on the disagreement of the two Houses on said bill, and names as conferees on the part of the House Messrs. Millsaps, Coleman and Alcorn.

L. PINK SMITH, *Clerk*.

The Senate agreed to the conference asked for on H. B. No. 121, last above set out, and the Chair appointed as conferees on the part of the Senate Messrs. Young, Gardner and Campbell.

INTRODUCTION OF RESOLUTION.

S. C. R. No. 17, To amend the Constitution by adding thereto, was introduced by Mr. Yarbrough and referred to Committee on Constitution.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 11, An Act to create the Exposition Bureau, to provide for an exhibit at the Louisiana Purchase Exposition, and to make an appropriation therefor.

H. B. No. 61, An Act to make an appropriation to defray the expenses of the Institution for the Deaf and Dumb for the years 1902 and 1903.

H. B. No. 66, An Act to appropriate money to pay the per diem and mileage of the Presidential electors for two meetings in December, 1900, and January, 1901, as directed by Section 3703 of the Annotated Code of 1892.

H. B. No. 89, An Act to require the members of the Board of Control and the Warden of the State penitentiary to pay into the general fund of the State treasury, immediately upon the receipt thereof, any money they receive from the labor of convicts or from the sale of agricultural products produced on farm worked by the State, or from the sale of any penitentiary property, and to provide for disbursements for penitentiary purposes from the State treasury on the Auditor's warrant, and to provide for the making of an appropriation to meet such disbursements.

H. B. No. 120, An Act to amend Section 613 of the Annotated Code, and also to amend Chapter 86 of the Laws of 1900 for the purpose of extending the time for holding terms of the Circuit Court in the Fourth Circuit Court District thereof.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

Report of Judiciary Committee:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bills referred to it, and has instructed me to report them back with the following recommendations:

H. B. No. 68, An Act to amend Section 4387 of the Code of 1892 in relation to the salary of the porter for the Supreme Court, so as to increase same.

Title sufficient; bill do pass.

S. B. No. 86, An Act to dedicate and designate a portion of the present Capitol grounds as a Confederate Monumental Park, create a commission to have control of same, and appropriate one thousand dollars for the improvement thereof.

Title sufficient; bill do pass.

R. B. CAMPBELL, *Acting Chairman.*

Report of Committee on Constitution:

MR. PRESIDENT: The Committee on Constitution has had under consideration the following concurrent resolution referred to it, and has instructed me to report it back with the following recommendations:

House Concurrent Resolution No. 1, a concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

Do pass.

Report of Committee on Education:

MR. PRESIDENT: The Committee on Education has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

H. B. No. 67, An Act to encourage the religious and educational interests in the State and to exempt all property belonging to or used by religious and educational bodies from taxation.

Title sufficient; bill do pass.

H. B. No. 78, An Act to amend Section 4043 of the Annotated Code of 1892 so as to change the time for the opening of the winter and summer schools.

Title sufficient; bill do pass.

A. M. HICKS, *Chairman.*

Mr. Bradley called up for third reading and passage H. B. No. 109, An Act to raise revenue to carry on the State Government of Mississippi for the fiscal years 1902 and 1903.

On motion of Mr. Bradley the privileges of the floor were extended to Auditor Cole for purpose of giving certain information to Senate touching the State's financial situation.

Mr. Bradley moved the adoption of the following committee amendment, viz.:

"Amend Section 1 to read after the word 'at,' in line 2, as follows, 'six mills on the dollar, for the year 1902, and at six mills for the year 1903.'"

Mr. Hughes called the previous question upon the adoption of the amendment.

The call was sustained, whereupon the amendment was adopted by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Heard, Hughes, Key, Looney, Martin, McGehee, Shelton, Sheppard, Taylor, Ventress, Wharton—Total 22.

Nays—Messrs. Evans, Greaves, Hinton, Jones, Kiger, Rowan, Sanders, Seawright, Sharborough, Yarbrough, Young—Total 11.

Absent and those not voting—Messrs. Broyles, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Farley, Hicks, Moore, Noel and Wilson—Total 12.

Title standing as stated.

To Section 2 of the bill the committee proposed the following amendment, viz.:

Amend Section 2, line 5, by striking out the figures "13½," and inserting in lieu thereof ("16") "Sixteen," and by striking out in said Section 2 all after the words "no more," in line six down to and including the word and figures "16 mills," in line 9 thereof.

Pending consideration of the committee amendment, leave of absence from day to day was granted Messrs. Evans and Greaves and the Senate at 1.15 P. M., on motion of Mr. George, took a recess until 3.30 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3.30 P. M. by President Harrison, a quorum being present.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of unfinished business, being second committee amendment to H. B. No. 109, set out in the journal for this afternoon.

On motion of Mr. Dunn the same was tabled.

To the bill as amended the committee offered the following amendment, viz.:

Amend Section 2 by inserting after the words "outstanding county warrant," in line 12, the words "or to build public roads, pikes, or other public works."

On motion of Mr. Bradley the same was adopted.

To the bill as amended the following amendment, proposed by Mr. Kiger, was adopted, viz.:

Amend Section 2 by striking out the words "but the whole amount levied shall not exceed 16 mills," in lines 8 and 9, and by inserting between the word "works," in the amendment, and the word "or," in the 12th line of the bill, the following words, "but the whole amount levied for all of the purposes herein provided for, including the State tax, shall not exceed 16 mills."

To the bill as amended Mr. Campbell offered the following amendment, viz.:

Amend Section 1 by striking out in lines 19, 20, and 21 the words, "all its property of any sort, constituting a part of the assets of the bank, not including its real estate," and by inserting in lieu thereof the following words, "the value of such shares augmented by the accumulation, surplus and unpaid dividends, and exclusive of the real estate of the bank."

On motion of Mr. Campbell the amendment was adopted.

On motion of Mr. Bradley the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Sixteenth District, Dunn, Falkner, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Yarbrough, Young—Total 30.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Cooper, Crawford, Dent of Fourth District, Dulaney, Evans, Farley, Greaves, Heard, Moore, Noel, Shelton and Wilson—Total 15.

Title standing as stated.

HOUSE BILLS ON THE CALENDAR.

The following House Bills on the Calendar were read twice, under a suspension of the rules, and referred to committees as follows:

H. B. No. 155, An Act authorizing the Board of Supervisors of Covington County to order an election for the purpose of submitting to the qualified electors of said county the removal of the county seat of said county.

To Local and Private Legislation.

H. B. No. 106, An Act to amend Section 4017 of the Annotated Code of 1892 relating to examinations of teachers.

To Education.

INTRODUCTION OF BILL OUT OF ORDER.

Under a suspension of the rules S. B. No. 89, An Act to provide for the better enforcement of the anti-trust laws of this State, was introduced by Mr. Dent of Sixteenth District, read twice, under a suspension of the rules, and referred to the Judiciary Committee.

Mr. Bradley called from the table H. B. No. 41, An Act to appropriate money to defray the expenses of the Legislative Executive and Judicial, and Executive Department of the State Government, and to pay interest on the State debt.

Mr. Bradley offered the following amendment to the bill:

Amend under the subdivision State Librarian, on page 2, in lines 1, 2 and 3 of said subdivision, to read:

Salary of the State Librarian for the year 1902, not exceeding	\$1,500 00
Salary of State Librarian for the year 1903.....	1,500 00
Contingent expenses for each of the years 1902 and 1903	300 00

Mr. Jones moved to strike out the last two lines of the amendment, which motion was lost.

Whereupon, on motion of Mr. Bradley, the amendment was adopted.

The following amendment to the bill as amended, offered by Mr. Bradley, was adopted:

Amend under the subdivision, Judicial Departments, on page 3, line 2 of said subdivision, to read:

Salary of Supreme Court Judges for 1903.....	\$11,138 90
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To the bill as amended the following committee amendment was adopted, viz.:

Amend on page 3, under subdivision indicated as Judicial Department, the 6th item thereof to read:

For special Judges and Chancellors <i>pro tempore</i>	\$10,000 00
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To the bill as amended the following amendment proposed by the committee, was adopted, viz.:

Amend by inserting on page 5 and after item 4 the following item: "Interest since July 1, 1901, in 5 per cent bonds which have not been presented for redemption in pursuance of the call of the Governor, \$1,500."

To the bill as amended the following amendment, proposed by Mr. Looney, was adopted, viz.:

Amend Section 2 by striking out the last four lines on page 4 of the bill, and insert in lieu thereof the following: Provided, that any amount which may be received from the Peabody fund shall be deducted from the said sum of \$5,000 for each of said years, so that the amount expended for summer normals shall be and

not exceed \$5,000 per annum, including such amount so received from said Peabody fund.

On motion of Mr. Bradley the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, Heard, Hicks, Hinton, Jones, Key, Kiger, Looney, Martin, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Yarbrough, Young—Total 31.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Cooper, Crawford, Evans, Farley, George, Greaves, Hughes, McGehee, Shelton, Sheppard and Wilson—Total 14.

Title standing as stated.

Mr. Bradley called up H. B. No. 159, An Act to make an appropriation to pay the salary of the Assistant Attorney General for the years 1902 and 1903.

On motion of Mr. Bradley the rules were suspended, the bill read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Gardner, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Martin, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Yarbrough, Young—Total 28.

Absent and those not voting—Messrs. Abbay, Broyles, Chrisman, Clinton, Cooper, Crawford, Dulaney, Evans, Farley, George, Greaves, Heard, McGehee, Moore, Shelton, Sheppard and Wilson—Total 17.

Title standing as stated.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 58, An Act to provide for the appointment of an Assistant Attorney General and to prescribe his qualifications, duties and compensation.

S. B. No. 70, An Act authorizing the Board of Supervisors of Attala County to loan fifteen hundred dollars of the general fund of said county to the school fund, or so much thereof as they may deem advisable.

S. B. No. 81, An Act to validate and confirm the proceedings of the Nashville & Mississippi Delta Railroad Company, and to authorize the Directors of said Company to proceed under the provisions of its charter to construct a railroad in Mississippi.

S. B. No. 82, An Act to amend Section 2, Chapter 79, Acts 1900..

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

INTRODUCTION OF BILL OUT OF ORDER.

Under a suspension of the rules S. B. No. 90, An Act to provide for lights, fuel, etc., for Governor's mansion for the years 1902 and 1903, was introduced by Mr. Dent of Sixteenth District, read twice and referred to Finance Committee.

Mr. Dunn called up H. B. No. 135, An Act to provide for the construction of macadamized roads.

On motion of Mr. Dunn the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Gardner, Hicks, Hinton, Jones, Key, Kiger, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Wharton, Yarbrough—Total 23.

Absent and those not voting—Messrs. Abbay, Broyles, Cayce, Chrisman, Clinton, Cooper, Crawford, Dulaney, Evans, Farley, George, Greaves, Heard, Hughes, Martin, Moore, Shelton, Sheppard, Taylor, Ventress, Wilson and Young—Total 22.

Title standing as stated.

At 5.45 P. M., on motion of Mr. McGehee, the Senate adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

THIRTY-FIFTH DAY.

FRIDAY, February 21, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 36.

Absent—Messrs. Broyles, Clinton, Crawford, Evans, Farley, Greaves, Heard, Martin and Shelton—Total 9.

On motion of Mr. Looney the reading of the journal of yesterday was dispensed with and the same stood approved.

The courtesies of the Senate were extended to Dr. John Y. Murry of Ripley, Tippah County, Dr. T. R. Henderson and Messrs. F. R. Austin and C. K. Marshall of Leflore, and Mr. J. T. Thomas of Grenada.

Mr. Seawright called up H. B. No. 141, An Act authorizing and empowering the Board of Supervisors of Oktibbeha County, Mississippi, to loan any and all surplus money of any fund on certain security and to buy bank or other stock, or town, city, county, State or United States bonds, and to use as much as \$2,500 for the purpose of paying any balance due on account of court house or for further equipment or furnishing of said court house.

On motion of Mr. Seawright the bill was read a third time and passed by the following vote viz.:

Yeas—Messrs. Bailey, Bradley, Campbell, Cayce, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Falkner, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, McGehee, Moore, Rowan, Sanders, Seawright, Sheppard, Wharton, Wilson, Yarbrough, Young—Total 28.

Absent and those not voting—Messrs. Abbay, Adams, Broyles, Chrisman, Clinton, Crawford, Dunn, Evans, Farley, Greaves, Heard, Martin, Noel, Sharborough, Shelton, Taylor and Ventress—Total 17.

Title standing as stated.

Mr. Yarbrough called up H. B. No. 110, An Act to amend Section 921 of the Code of 1892 with reference to special judges and to require judges and Chancellors to sit anywhere in the State.

On motion of Mr. Campbell the bill was indefinitely postponed.

Mr. Cayce called up S. B. No. 86, An Act to dedicate and designate a portion of the present Capitol grounds as a Confederate Monumental Park, create a commission to have control of same and appropriate one thousand dollars for improvement thereof.

On motion of Mr. Cayce, the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Hicks, Hinton, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Wharton, Yarbrough—Total 29.

Absent and those not voting—Messrs. Broyles, Clinton, Crawford, Evans, Farley, Greaves, Heard, Hughes, Jones, Martin, Sharborough, Shelton, Taylor, Ventress, Wilson and Young—Total 16.

Title standing as stated.

RESOLUTIONS.

The following resolution, offered by Mr. Bradley by request, was on motion adopted, viz.:

Resolved, That the sum of forty-five dollars be paid to the *Clarion-Ledger* and forty-five dollars be paid to the *Evening News*, to be paid from the contingent fund of the Senate for papers delivered to the members during the session of the present Legislature.

The following resolution was offered by Mr. Gardner, viz.:

Resolved by the Senate, That the officers and employees of the Senate be paid five cents per mile from home to Jackson and return out of the Senate contingent fund upon the same terms and conditions as others are paid out of same fund, and that the postmistress of the Senate be paid four dollars per day, the same amount as is paid to the postmistress of the House.

Mr. Sharborough moved the adoption of the resolution.

The ayes and nays being called, the resolution was adopted by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Dulaney, Dunn, Falkner, Gardner, George, Hicks, Kiger, McGehee, Moore, Rowan, Sanders, Sharborough, Sheppard, Wharton, Yarbrough—Total 17.

Nays—Messrs. Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Sixteenth District, Hinton, Hughes, Jones, Key, Looney, Noel, Seawright, Young—Total 15.

Absent and those not voting—Messrs. Broyles, Clinton, Crawford, Dent of Fourth District, Evans, Farley, Greaves, Heard, Martin, Shelton, Taylor, Ventress and Wilson—Total 13.

The following resolution, offered by Mr. Gardner, was adopted, viz.:

WHEREAS, Master John W. Dulaney has during this entire session faithfully and acceptably performed the duties of page in this Senate; and,

WHEREAS, His name has been through oversight and misunderstanding omitted from the roll of officers and employees of this Senate; now, therefore, be it

Resolved by the Senate, That his name be placed on the said roll and that he receive the same compensation as is paid other pages, such payment to be made from the Senate contingent fund.

Mr. Dunn called up the motion to reconsider the vote whereby H. B. No. 122 An Act to raise revenue by imposing a privilege tax on every person, firm or corporation who as a broker receives and transmits for the purchase or the sale for future delivery of any commodity or other things, heretofore failed to pass, and moved to reconsider the same, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Bradley, Cooper, Dent of Fourth District, Dulaney, Dunn, Falkner, Gardner, George, Hicks, Hughes, Key, Kiger, McGehee, Moore, Rowan, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson—Total 22.

Nays — Messrs. Bailey, Campbell, Cayce, Hinton, Jones, Looney, Noel, Sanders, Seawright, Yarbrough, Young—Total 11.

Absent and those not voting—Messrs. Adams, Broyles, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Evans, Farley, Greaves, Heard, Martin, Shelton—Total 12.

On motion of Mr. Dunn the bill was read a third time and passed by the following vote; viz.:

Yeas—Messrs. Abbay, Bradley, Cooper, Dent of Fourth District, Dulaney, Dunn, Falkner, Gardner, George, Hicks, Hughes, Key, McGehee, Moore, Rowan, Sharborough, Taylor, Ventress, Wharton, Wilson—Total 21.

Nays—Messrs. Bailey, Cayce, Hinton, Jones, Looney, Sanders, Young—Total 7.

Absent and those not voting—Messrs. Adams, Broyles, Campbell, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Evans, Farley, Greaves, Heard, Martin, Noel, Seawright, Shelton, Sheppard and Yarbrough—Total 18.

Title standing as stated.

PAIRS.

Messrs. Noel, Campbell, and Yarbrough announced that they were paired with Messrs. Sheppard, Clinton, and Greaves, respectively; if present Messrs. Sheppard, Clinton and Greaves would have voted "aye," Messrs. Noel, Campbell and Yarbrough would vote "nay."

REPORTS OF STANDING COMMITTEES.

Report of Committee on Constitution:

MR. PRESIDENT: The Committee on Constitution has had under consideration the following concurrent resolution referred to it, and has instructed me to report it back with the following recommendations:

S. C. R. No. 17, a concurrent resolution to amend the Constitution by adding thereto.

Do pass.

R. B. CAMPBELL, *Chairman*.

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 155, An Act authorizing the Board of Supervisors of Covington County to order an election for the purpose of committing to the qualified electors of said county the removal of the seat of justice of said county.

Title sufficient; bill do pass as amended, for in the opinion of your committee the relief sought can not be obtained through the courts nor advantageously provided for by general law.

A. W. DENT, *Acting Chairman*.

Report of Judiciary Committee:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bill referred to it, and has instructed me to report it back with the following recommendations:

S. B. No. 87, An Act to amend Section 4151 of the Annotated Code of 1892 so as to provide for loan of Sixteenth Section fund. Title sufficient; bill do pass.

R. B. CAMPBELL, *Acting Chairman.*

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 88, An Act to appropriate from the pension fund returned to the State treasury four hundred and seventy-five dollars (\$475) to refund to C. L. Graham, Treasurer of Itawamba County, money paid out as pensions by mistake to persons whose application was received after the distribution of the pension fund to the counties by the Auditor.

H. B. No. 128, An Act to amend Section 1300 of the Annotated Code of 1892 in regard to injury to telegraph lines, so as to make the provisions of said section apply to telephone lines.

H. B. No. 140, An Act to authorize and empower the Mayor and Board of Aldermen of the city of Holly Springs, Mississippi, to loan annually on good and sufficient security the sinking fund provided by them for the payment of certain bonds issued to establish an electric light plant and waterworks system until maturity thereof, or until they have the option of paying said bonds.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 58, An Act to provide for the appointment of an Assistant Attorney General and to prescribe his qualifications, duties and compensation.

S. B. No. 70, An Act authorizing the Board of Supervisors of Attala County to loan fifteen hundred dollars of the general fund of said county to the general fund, or so much thereof as they may deem advisable.

S. B. No. 81, An Act to validate and confirm the proceedings of the Nashville & Mississippi Delta Railroad Company, and to

authorize the Directors of said Company to proceed under the provisions of its charter to construct a railroad in Mississippi.

S. B. No. 82, An Act to amend Section 2, Chapter 79, Acts 1900.

B. W. SHARBOROUGH, *Chairman.*

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT: Your Committee of Conference on the disagreement of the two Houses touching Senate amendment to H. B. No. 121, An Act to create the Eleventh Circuit Court District of Mississippi and fix the time for holding courts therein, beg leave to submit the following report, viz.:

Your committee recommend that the Senate recede from its amendment to the bill.

A. F. GARDNER,
Chairman Senate Committee.

J. G. MILLSAPS,
Chairman House Committee.

On motion of Mr. Gardner the Senate concurred in the foregoing report of Conference Committee by the following vote, viz.:

Yeas — Messrs. Abbay, Bailey, Bradley, Campbell, Cayce, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Gardner, George, Jones, Kiger, Looney, Moore, Noel, Rowan, Seawright, Wharton, Wilson, Yarbrough, Young — Total 23.

Nays — Messrs. Adams, Falkner, Hinton, Key, McGehee, Sanders — Total 6.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Crawford, Evans, Farley, Greaves, Heard, Hicks, Hughes, Martin, Sharborough, Shelton, Sheppard, Taylor and Ventress — Total 16.

Mr. George entered a motion to reconsider the vote whereby the foregoing report was adopted.

Mr. Yarbrough moved a suspension of the rules for consideration of S. C. R. No. 17, a concurrent resolution to amend the Constitution by adding thereto.

The motion prevailed, whereupon the resolution was read in full, and failed to pass its first day and reading by the following vote, a two-thirds vote being required, viz.:

Yeas — Messrs. Bailey, Campbell, Cayce, Cooper, Dent of Fourth District, Falkner, Gardner, Hicks, Hinton, Noel, Rowan, Sanders, Seawright, Wharton, Yarbrough, Young — Total 16.

Nays — Messrs. Dunn, George, Hughes, Jones, Key, Kiger, Looney, McGehee, Moore — Total 9.

Absent and those not voting — Messrs. Abbay, Adams, Bradley, Broyles, Chrisman, Clinton, Crawford, Dent of Sixteenth

District, Dulaney, Evans, Farley, Greaves, Heard, Martin, Sharborough, Shelton; Sheppard, Taylor, Ventress and Wilson—Total 20.

Mr. Kiger entered a motion to reconsider the vote whereby the resolution failed.

Mr. Campbell called up for consideration H. C. R. No. 1, a concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

On motion of Mr. Campbell the resolution was read in full and passed the first day and reading by the following vote viz.:

Yeas — Messrs. Adams, Bailey, Campbell, Cooper, Dent of Fourth District, Falkner, Gardner, George, Hicks, Hinton, Jones, Key, Kiger, Looney, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Wharton, Wilson, Yarbrough, Young—Total 24.

Absent and those not voting — Messrs. Abbay, Bradley, Broyles, Cayce, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Greaves, Heard, Hughes, Martin, McGehee, Sharborough, Shelton, Taylor, Ventress—Total 21.

Title standing as stated.

Mr. Dent of Fourth District obtained consent to a suspension of the rules for consideration out of order of H. B. No. 155, An Act authorizing the Board of Supervisors of Covington County to order an election for the purpose of submitting to the qualified electors of said county the removal of the county seat of said county.

The following amendment to the bill, proposed by Mr. Dent of the Fourth District, was adopted:

Amend Section 1 by adding after the word "Supervisors," in the 6th line, the following, "for the purpose of submitting to the qualified electors of said county the removal of the seat of justice of said county from its present site to some convenient point on the Gulf & Ship Island Railroad in said county."

Whereupon the rules were suspended and the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Gardner, George, Hicks, Hinton, Hughes, Jones, Key, Kiger, Looney, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 31.

Absent and those not voting—Messrs. Abbay, Broyles, Chrisman, Clinton, Crawford, Dulaney, Evans, Farley, Greaves, Heard, Martin, McGehee, Moore and Shelton—Total 14.

On motion of Mr. Dent of Fourth District the title was amended by adding after the words "seat of justice," in the last line, the words "of said county."

Whereupon the title as amended was adopted.

INTRODUCTION OF BILLS OUT OF ORDER.

Under a suspension of the rules S. B. No. 91, An Act to fix the salary of the cashier of the treasury, was introduced by Mr. Gardner, read twice and referred to the Finance Committee.

Mr. Bradley moved that the Senate adjourn until Monday morning at 10 o'clock, which motion prevailed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Cooper, Dent of Fourth District, Falkner, Gardner, George, Hughes, Kiger, McGehee, Moore, Sharborough, Sheppard, Taylor, Wharton, Young — Total 17.

Nays — Messrs. Dent of Sixteenth District, Dunn, Hinton, Jones, Key, Looney, Noel, Rowan, Ventress, Yarbrough — Total 10.

Absent and those not voting—Messrs. Abbay, Broyles, Campbell, Cayce, Chrisman, Clinton, Crawford, Dulaney, Evans, Farley, Greaves, Heard, Hicks, Martin, Sanders, Seawright, Shelton, and Wilson—Total 18.

Thereupon the Senate, at 12.15 P. M., stood adjourned until 10 o'clock Monday morning next.

JOHN Y. MURRY, JR., *Secretary*.

THIRTY-SIXTH DAY.

MONDAY, February 24, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

Prayer by Bishop Galloway.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Bradley, Broyles, Campbell, Cayce, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, George, Hinton, Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young — Total, 32.

Absent — Messrs. Adams, Bailey, Chrisman, Clinton, Evans, Falkner, Gardner, Greaves, Heard, Hicks, Key, Seawright, and Shelton — Total, 13.

On motion of Mr. Hinton, the reading of the journal of Friday was dispensed with, and the same stood approved.

Leave of absence from day to day was granted to Messrs. Adams, Key, Hicks and Seawright.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 91, An Act to fix the salary of the Cashier of the Treasury.

Do pass; title sufficient.

S. B. No. 90, An Act to provide for lights, fuel, etc., for Governor's mansion for the years 1902 and 1903.

Do pass; title sufficient.

BRADLEY, *Chairman*.

Report of Committee on Judiciary:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bills referred to it, and has instructed me to report them back with the following recommendations:

S. B. No. 89, An Act to provide for the better enforcement of the anti-trust laws of this State.

Title sufficient; do pass.

H. B. No. 123, An Act to amend Section 313 of Chapter 17 of the Annotated Code of 1892, so as to authorize the Board of Supervisors to borrow from its County Treasurer, and to authorize said Treasurer to loan said Board out of any fund or funds in the treasury thereof not otherwise appropriated for the expense of the current year, an amount of money not to exceed one hundred thousand dollars in one year.

Title sufficient; do pass.

R. B. CAMPBELL, *Acting Chairman*.

INTRODUCTION OF BILLS.

S. B. No. 92, An Act to make an appropriation for the purchase of "Beauvoir," the home of Jefferson Davis, was introduced by Mr. Rowan, read twice, under a suspension of the rules, and referred to the Judiciary Committee.

Mr. Noel called up S. B. No. 28, An Act to amend Section 2 of Chapter 73, Laws of 1900, approved March 10, 1900, so as to change the composition of the Board of Inquiry, and to provide compensation for members of the Board.

The following amendment, offered by Mr. Abbay, was adopted, viz.:

Insert after the word "made," in line 8, the following: "If there be no camp of Confederate Veterans in such county, then the Board of Supervisors shall appoint one Confederate soldier from each Supervisor's District, and if there be no Confederate soldier in a district, then the Board of Supervisors may appoint some reputable citizen from such district."

To the bill as amended, the following amendment, offered by Mr. George, was adopted, viz.:

Amend by striking out the words "civil war," where they occur, and substituting the words, "the war between the States."

On motion of Mr. Young, the bill, as amended, was considered, engrossed, read a third time, and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Bradley, Broyles, Cayce, Cooper, Dent of Fourth District, Dulaney, Dunn, Farley, George, Hughes, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Taylor, Wilson, Young — Total, 23.

Nays — Messrs. Campbell, Dent of Sixteenth District, Hinton, Martin, Ventress, Wharton — Total, 6.

Absent and those not voting — Messrs. Adams, Bailey, Chrisman, Clinton, Crawford, Evans, Falkner, Gardner, Greaves, Heard, Hicks, Key, Seawright, Shelton, Sheppard, and Yarbrough — Total, 16.

Title standing as stated.

Mr. George entered a motion to consider the vote whereby the bill as amended passed.

Mr. Sharborough called up the motion heretofore entered to reconsider the vote whereby H. B. No. 70, An Act to appropriate from the pension funds returned to the treasury, money to pay pensions to those whose applications were received after the distribution had been made to the counties by the Auditor, passed the Senate and moved to table the same, which motion prevailed.

Mr. Campbell called up for consideration H. C. R. No. 1, A concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

On motion of Mr. Campbell, the resolution was read in full, and passed its second day and reading by the following vote, viz.:

Yeas — Messrs. Abbay, Bradley, Broyles, Campbell, Cayce, Cooper, Dent of Fourth District, Farley, George, Hinton, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young — Total, 26.

Nays — Messrs. Dulaney, Dunn, Hughes — Total, 3.

Absent and those not voting — Messrs. Adams, Bailey, Chrisman, Clinton, Crawford, Dent of Sixteenth District, Evans, Falkner, Gardner, Greaves, Heard, Hicks, Key, Seawright, Shelton, Sheppard — Total, 16.

Title standing as stated.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

Senate Bill No. 51, To be entitled An Act to authorize the Board of Mayor and Aldermen of the city of Natchez to issue

bonds for the purpose of purchasing the waterworks and sewerage system owned and operated in said city by the Natchez Water Supply and Sewer Company, or for the purpose of building, constructing, or otherwise securing for said city a system of sewerage and waterworks.

Senate Bill No. 74, To be entitled An Act to repeal so much of an Act entitled An Act to relieve the Delta Bank of Greenwood, Miss., from double taxation, and to refund to it certain taxes overpaid, approved March 9, 1900, as may require the Board of Levee Commissioners for the Yazoo Mississippi Delta to pay to said bank the sum of \$643.04.

Senate Bill No. 75, To be entitled An Act to repeal so much of Section 2 of an Act entitled An Act to relieve the Bank of Greenwood, of Greenwood, Miss., from double taxation, and to refund to it certain taxes overpaid, approved March 6, 1900, as may require the Board of Levee Commissioners for the Yazoo Mississippi Delta to pay to said bank \$492.05.

Senate Bill No. 76, To be entitled An Act to authorize and empower the Board of Levee Commissioners for the Yazoo Mississippi Delta to levy a tax upon all privileges exercised within said district.

Senate Bill No. 77, To be entitled An Act to authorize the Board of Levee Commissioners for the Yazoo Mississippi Delta to issue bonds to amount not exceeding \$250,000 for the purpose of raising funds for high water emergencies, and for other purposes.

Senate Bill No. 78, To be entitled An Act to authorize the Board of Levee Commissioners for the Yazoo Mississippi Delta to borrow money for certain purposes authorized by law, and to issue its debentures therefor.

Senate Bill No. 79, To be entitled An Act to authorize the Board of Levee Commissioners for the Yazoo Mississippi Delta to issue bonds for the purpose of refunding its outstanding bonded indebtedness at a lower rate of interest.

Senate Bill No. 18, To be entitled An Act to make an appropriation for the payment of the amount of money expended by the Trustees of the Agricultural and Mechanical College in excess of the appropriation made for the building and equipment of the textile school at Starkville, Mississippi.

Senate Bill No. 1, To be entitled An Act to repeal all of Chapter 105 relating to primary meetings and elections except Sections 3274 and 3275, and provide for all nominations for State, district, county district, and county officers to be made by primary election; with accompanying amendments.

House Bill No. 142, To be entitled An Act to authorize the Board of Supervisors of Perry County, and the Mayor and Board of Aldermen of the city of Hattiesburg, to invest the sinking funds now on hand and being raised, with which to pay off certain bonds.

And has adopted —

Senate Joint Resolution, Memorializing the Congress of the United States to appropriate money to deepen and complete the Ship Island Harbor; with the accompanying amendment in the nature of a substitute.

And has also adopted, on its first, second and third readings, and on three several days —

Senate Concurrent Resolution No. 7, A concurrent resolution proposing an amendment to the Constitution requiring that all changes, alterations, or amendments of said Constitution be inserted by the Legislature at the next succeeding session after the election requiring such change, alteration or amendment.

And has indefinitely postponed —

Senate Bill No. 43, To be entitled An Act making an appropriation to pay Mrs. D. W. Hurst, widow of D. W. Hurst, for services rendered by D. W. Hurst, as Judge of the High Court of Errors and Appeals of this State from the first day of April, 1865, to the 13th day of July, 1865, inclusive.

L. PINK SMITH, *Clerk.*

HOUSE BILL ON THE CALENDAR.

H. B. No. 142, An Act to authorize the Board of Supervisors of Perry County and the Mayor and Board of Aldermen of the city of Hattiesburg to invest the sinking fund now on hand and being raised with which to pay off certain bonds, on the calendar, was read twice, under a suspension of the rules, and referred to Local and Private Legislation.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 21, 1902.

MR. PRESIDENT: I am directed by His Excellency the Governor to inform the Senate that he has this day approved the following bills, to-wit:

S. B. No. 58, An Act to provide for the appointment of an Assistant Attorney General, and to prescribe his qualifications, duties and compensation.

S. B. No. 70, An Act authorizing the Board of Supervisors of Attala County to loan fifteen hundred dollars of the general fund of said county to the school fund, or so much thereof as they may deem advisable.

S. B. No. 81, An Act to validate and confirm the proceedings of the Nashville & Mississippi Delta Railroad Company, and to authorize the directors of said company to proceed under the provisions of its charter to construct a railroad in Mississippi.

S. B. No. 82, An Act to amend Section 2 of Chapter 79, Acts of 1900.

Respectfully,

J. J. COMAN, *Private Secretary.*

RESOLUTION.

The following resolution, offered by Mr. George, was, on motion, adopted, viz.:

Resolved, by the Senate, That the Governor be requested to return to the Senate, S. B. No. 73, entitled An Act for the payment of interest on the original seminary fund, and the 1894 land grant fund, for the support of the University of Mississippi for the years 1902 and 1903.

Mr. Bradley called up for consideration H. B. No. 116, An Act to amend Chapter 56 of the Acts of 1896, and Section 81 of Chapter 5 of the Sheet Acts of 1898, and Section 1 of Chapter 42 of the Sheet Acts of 1900, creating privilege taxes on certain industries in the State of Mississippi, thereby reducing the privilege taxes on telephone companies.

Mr. McGehee offered the following amendment, viz.:

Strike out Section 17, applying to cigarettes.

On motion of Mr. George, the amendment was tabled.

The following amendment, offered by Mr. Hinton, was adopted, viz.:

Amend by adding new section to be numbered 2, and to read as follows:

"SECTION 2. That Section 26 of Chapter 5 of the Acts of 1898 be amended so as to read as follows:

"On each agent for the purchase of cotton seed or cotton seed buyer, \$10. But merchants paying a privilege tax, as merchants, who buy cotton seed in the regular course of business, shall not be liable to said tax. Debenture Companies — On each debenture company doing business in this State, \$100."

The following amendment to the bill as amended, offered by Mr. Noel, was adopted, viz.:

"SEC. —. On each fortune teller, in each county, \$50."

Mr. Hughes offered the following amendment to the bill as amended, viz.:

Amend by adding by amending Section 8 of Acts of 1900, so as to read as follows:

"SEC. —. On each land company, timber company, mill company, corporation, or individual in each county who buys timber in whole or in part without buying the land on which said timber stands, for 500 acres or less, \$25. Same: For 1,000 acres or more than 500 acres, \$50, and so on at the rate of \$25 on each 500 acres in each county so purchased, provided that this Act does not apply to saw mill operators who do not ship timber or lumber out of the State. Said tax to be an abiding tax, till said timber is removed from the land, and this Act shall apply to all timber as bought before and after this Act, provided this Act shall not apply to parties who pay an ad valorem tax on said timber."

Pending consideration of the foregoing amendment, on motion of Mr. Dunn, the bill as amended, the pending amendments, to-

gether with sundry other amendments proposed by Senators, was recommitted to the Committee on Finance.

Mr. Yarbrough entered a motion to reconsider the vote whereby H. B. No. 110, An Act to amend Section 921 of the Code of 1892, with reference to special judges, and require judges and chancellors to sit anywhere in the State, was heretofore indefinitely postponed.

Mr. Bradley called up S. B. No. 1, An Act to repeal all of Chapter 105 relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations for State, district, county district, and county officers, to be made by primary election, as reported from the House, and moved that the bill and House amendments, thereto adopted, be recommitted to the Committee on Registration and Elections.

Mr. Noel moved, as a substitute for the motion, to recommit to the Committee on Registration and Elections, that the Senate proceed to the immediate consideration of the House amendments to the bill.

Mr. Hughes made the point of order that Senator Bradley having made a motion to recommit, that it opened up the main question to debate, and that was the same result aimed at by Mr. Noel's motion, which point was sustained by President Harrison, who ruled the motion out of order.

Mr. Campbell moved to have this bill made the special order for 10 o'clock to-morrow morning.

Mr. George called the previous question on the adoption of Mr. Campbell's motion. Pending which, on motion of Mr. Sheppard, the Senate, at 1.15 P. M., took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 P. M. by President Harrison, a quorum present.

Mr. Dent of Sixteenth District called up the motion heretofore entered to reconsider the vote whereby H. B. No. 35, An Act to transfer to the office of Land Commissioner all State land records, all levee land records, and all other land records, except assessment rolls now in the Auditor's office, and repeal Sections 3815, 3837, 3857, 3858, 3859, 3863, 3864, 3865, and 3866, of the Annotated Code of 1892, passed the Senate, and moved that the same be considered, which motion prevailed.

On motion of Mr. Cayce, the following amendment, proposed by the committee, was adopted, viz.:

Amend by striking out after the word "redemption," in the fourth line of Section 13, the words "except his fees and com-

mission," and insert in lieu thereof the words "including the fees and commissions now collected by the Auditor, under paragraph 4 of Section 2021 of the Code.

On motion of Mr. Cayce, the bill, as amended, was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Farley, George, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sheppard, Ventress, Wharton, Wilson, Yarbrough, Young — Total, 30.

Absent and those not voting — Messrs. Bailey, Crawford, Dunn, Evans, Falkner, Gardner, Greaves, Heard, Hicks, Key, Martin, Seawright, Sharborough, Shelton, Taylor — Total, 15.

On motion of Mr. Cayce, the title was amended so as to read as follows, viz.: An Act to transfer to the office of the Land Commissioner all State land records, all levee land records, and all other land records, except assessment rolls, now in the Auditor's office, and to repeal Sections 3815, 3837, 3850, 3853, 3854, 3855, 3857, 3858, 3859, 3861, 3863, 3864, 3865, and 3866, of the Annotated Code of 1892, whereupon the title, as amended, was adopted.

REPORTS OF STANDING COMMITTEES OUT OF ORDER.

Report of Committee on Judiciary:

MR. PRESIDENT: The Committee on Judiciary has had under consideration the following bill referred to it, and has instructed me to report it back with the following recommendations:

S. B. No. 92, An Act to make an appropriation for the purchase of "Beauvoir," the home of Jefferson Davis.

Title insufficient, bill do not pass, but that the committee substitute therefor do pass, and title thereto is sufficient.

R. B. CAMPBELL, *Acting Chairman.*

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 121, An Act to create the Eleventh Circuit Court District of the State of Mississippi, and to designate the time for holding the terms of Circuit Court in the several counties therein.

SHARBOROUGH, *Chairman.*

Whereupon, the President suspended all business, had the bill read by its title, and signed the same, calling the attention of the Senate thereto.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

Senate Bill No. 65, To be entitled An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County.

Senate Bill No. 85, To be entitled An Act to appropriate money to defray the expenses incident to investigation of penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee and of Sergeant-at-Arms for service of process issued by said committee, compensation of stenographer employed by said committee and payment of incidental expense incurred and to be incurred by said committee, approved February 13, 1902, so as to authorize and provide for all lawful expense incurred by said committee; with accompanying amendment thereto.

House Bill No. 115, To be entitled An Act to amend Sections 3885 and 3886 of the Code of 1892, and constituting the Railroad Commissioners assessors of telephone property in this State.

And has adopted the report of the Committee of Conference on the disagreement of the two Houses on House Bill No. 121, To be entitled An Act to create the Eleventh Circuit Court District of Mississippi and fix the time for holding courts therein.

L. PINK SMITH, *Clerk.*

HOUSE BILL ON THE CALENDAR.

Under a suspension of the rules, H. B. No. 115, above set out, was read twice, under a suspension of the rules, and referred to the Committee on Railroads and Franchises.

Leave of absence from day to day was granted to Mr. Bailey.

Mr. Cayce called up H. B. No. 68, An Act to amend Section 4387 of the Code of 1892, in relation to the salary of the porter for the Supreme Court, so as to increase same.

On motion of Mr. Cayce, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Clinton, Cooper, Dent of Fourth District, Dulaney, George, Hughes, Kiger, Martin, McGehee, Noel, Rowan, Shepard, Taylor, Ventress, Wharton, Wilson, Young — Total, 23.

Nays — Messrs. Broyles, Dent of Sixteenth District, Falkner, Farley, Hinton, Jones, Looney, Sanders, Yarbrough — Total, 9.

Absent and those not voting — Messrs. Bailey, Crawford, Dunn, Evans, Gardner, Greaves, Heard, Hicks, Key, Moore, Seawright, Sharborough, Shelton — Total, 13.

Title standing as stated.

Mr. Jones, arising to a question of personal privilege, stated that in view of certain newspaper criticisms touching the taking of testimony in executive session, touching the investigation of the resignation of Ex-Treasurer J. R. Stowers, he desired to give the reasons that actuated the committee in pursuing that course, which explanation he accordingly made.

Thereupon Mr. Moore introduced the following resolution, which was unanimously adopted, viz.:

Resolved, That the Senate, reposing full confidence in the judgment and integrity of the joint committee appointed to investigate and report upon the State Treasury shortage and suspension of late Treasurer Stowers, believes that such investigation should be conducted and concluded in such manner and under such restrictions as the said committee may deem proper and expedient.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 24, 1902.

To the Senate.

GENTLEMEN: In compliance with the resolution adopted by you requesting the return of S. B. No. 73, An Act to provide for the payment of interest due on the original seminary fund, and the 1894 land grant fund for the support of the University of Mississippi for the years 1902 and 1903, I have the honor to return said bill.

Respectfully,

A. H. LONGINO, *Governor.*

On motion of Mr. Falkner, the Secretary was instructed to inform the House that the Senate had recalled from the Governor S. B. No. 73, An Act for the payment of interest on the original seminary fund, and the 1894 land grant fund, for the support of the University of Mississippi for the years 1902 and 1903, for the purpose of perfecting and amending the same, and to transmit the bill to the House for the purpose of reconsidering and amending the bill.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the matter pending at the hour the recess was taken this forenoon, being the motion to make S. B. No. 1, above set out, the special order for 10 A. M. to-morrow.

The motion to make same the special order was lost by the following vote, viz.:

Yeas — Messrs. Adams, Broyles, Campbell, Cayce, Chrisman, Dunn, Farley, George, Hinton, Jones, Looney, Noel, Sanders, Sharborough — Total, 14.

Nays — Messrs. Abbay, Bradley, Clinton, Cooper, Crawford, Dent of Fourth District, Dulaney, Falkner, Hughes, Kiger, Martin,

McGehee, Moore, Rowan, Sheppard, Taylor, Ventress, Wharton, Wilson, Young — Total, 20.

Absent and those not voting — Messrs. Bailey, Dent of Sixteenth District, Evans, Gardner, Greaves, Heard, Hicks, Key, Seawright, Shelton, and Yarbrough — Total, 11.

PAIRS.

Mr. Yarbrough announced that he was paired with Mr. Heard. If present, Mr. Heard would vote "nay," Mr. Yarbrough "aye."

Thereupon the bill was recommitted by the following vote, viz.:

Yeas — Messrs. Abbay, Bradley, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Falkner, Hughes, Kiger, Martin, McGehee, Moore, Rowan, Sheppard, Taylor, Ventress, Wharton, Wilson — Total, 19.

Nays — Messrs. Adams, Broyles, Campbell, Cayce, Chrisman, Crawford, Dunn, Farley, George, Hinton, Jones, Looney, Noel, Sanders, Sharborough, Young — Total, 16.

Absent and those not voting — Messrs. Bailey, Evans, Gardner, Greaves, Heard, Hicks, Key, Seawright, Shelton, Yarbrough — Total, 10.

PAIRS.

Mr. Yarbrough announced that he was paired on this measure with Mr. Heard. If present, Mr. Heard would vote "aye," Mr. Yarbrough "nay."

Mr. Yarbrough called up the motion heretofore entered to reconsider the vote whereby H. B. No. 110, An Act to amend Section 921 of the Code of 1892, with reference to special judges, and to require judges and chancellors to sit anywhere in the State, was indefinitely postponed, and moved to reconsider same, which motion prevailed.

The following amendment, offered by Mr. Yarbrough, was adopted, viz.:

Amend by striking out all interlineations.

On motion of Mr. Dunn, the bill, as amended, was indefinitely postponed.

Mr. Bradley called from the table S. B. No. 67, An Act to appropriate money for the completion and furnishing of the new State House, for beautifying the grounds thereof, and for the removal of the State's official archives and property to the new State House.

On motion of Mr. Bradley, Mr. Link, the supervising architect, was invited to appear and give certain information touching the construction and cost of the new Capitol, which was accordingly done.

The following amendment to the bill was proposed by the committee, viz.:

Amend Section 1 by striking out all of said section after the word "Mississippi," in the second line thereof, and inserting in lieu thereof the following: "That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of grading and beautifying the grounds upon which the new Capitol is situated, \$60,000.

"For the purpose of paying for extra work done by the contractors to secure proper and suitable foundation for new State House, the sum of \$30,641.

"For removal of the records, books, archives, and other property of the State from the present site to the new State House, when complete and ready for occupancy, \$5,000. .

"SEC. 2. Said moneys hereinbefore appropriated shall be expended by and under the direction of the State House Commission, in the manner provided in Chapter 55 of the Acts of 1900, for building a new State House."

The following amendment to the committee amendment, proposed by Mr. Yarbrough, was lost, viz.:

Amend by striking out the amount specified for beautifying the grounds and inserting in the proper place, "the Board of Control are authorized and instructed to use the convicts of the State for the purpose of grading, terracing and sodding the grounds of the new State House, when the building is finished."

Thereupon the committee amendment was lost by the following vote, viz.:

Yeas — Messrs. Broyles, Chrisman, Dunn, Farley, Hinton, Jones, Looney, Rowan, Sheppard, Wilson, Yarbrough, Young — Total, 12.

Nays — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Clinton, Cooper, Crawford, Falkner, Kiger, Martin, McGehee, Moore, Wharton — Total, 14.

Absent and those not voting — Messrs. Bailey, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Evans, Gardner, George, Greaves, Heard, Hicks, Hughes, Key, Noel, Sanders, Seawright, Sharborough, Shelton, Taylor, and Ventress — Total, 19.

PAIRS.

Mr. Hughes announced that he was paired on this measure with Mr. Heard. If present, Mr. Heard would vote "nay," Mr. Hughes "aye."

Mr. McGehee offered the following amendment, viz.:

Strike out "\$250,000," and insert in lieu thereof "\$150,000."

On motion of Mr. Moore, the amendment was tabled.

Pending further consideration of the bill, the Senate, at 5.40 P. M. went into executive session with closed doors.

At 5.45 P. M., the Senate resumed legislative business with open doors, and thereupon, on motion of Mr. Hughes, adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

THIRTY-SEVENTH DAY.

TUESDAY, February 25, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Hinton, Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 36.

Absent—Messrs. Bailey, Evans, Gardner, Greaves, Heard, Hicks, Key, Seawright, Shelton—Total 9.

On motion of Mr. Moore the reading of the journal of yesterday was dispensed with and the same stood approved.

Mr. Moore called up the motion heretofore entered to reconsider the vote whereby H. B. No. 157, An Act to amend Section 455 of the Code of 1892, as amended by Chapter 84 of the Laws of 1900, in relation to terms of Chancery Court in the Seventh Chancery Court District so as to change and fix the time for holding Chancery Courts in the County of Tallahatchie, passed the Senate on a former day and moved that the said vote be reconsidered, which motion prevailed.

The following amendment to the bill, proposed by Mr. Moore, was adopted, viz.:

Amend by striking out the word "Bolivar" wherever it occurs in said bill and insert the word "Coahoma" in lieu thereof, and strike out the word "Coahoma" wherever it now occurs in said bill and insert the word "Bolivar" in lieu thereof.

Whereupon the bill as amended, on motion of Mr. Moore, was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, George, Hinton, Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Ventress, Wilson, Yarbrough, Young—Total 31.

Absent and those not voting—Messrs. Adams, Bailey, Clinton, Cooper, Dent of Fourth District, Evans, Gardner, Greaves, Heard, Hicks, Key, Seawright, Shelton and Wharton—Total 14.

RESOLUTION.

The following resolution, offered by Mr. Dulaney, was adopted, viz.:

Resolved by the Senate, That the Governor be requested to submit to the Legislature for such action as they may deem proper, the following matter, viz.:

An Act to authorize the Board of Mississippi Levee Commissioners to build and construct a protection levee in Warren County, Mississippi.

The Senate went into executive session at 9.50 A. M.

At 9.55 the Senate resumed legislative business with open doors.

Mr. Rowan called up for consideration S. B. No. 92, An Act to make an appropriation for the purchase of Beauvoir, the former home of Jefferson Davis.

On motion of Mr. Dunn the substitute for the bill, proposed by the committee, was adopted.

The following amendment to the bill as amended, offered by Mr. Cayce, was adopted, viz.:

Amend by striking out of Section 2 all after the word "and," in 10th line, and inserting in lieu thereof the words "so much of the Beauvoir tract fronting the Bay as the Director may deem proper, with remainder of tract purchased contiguous thereto."

Mr. Dunn call the previous question upon the passage of the bill as amended.

The call was sustained, whereupon the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dulaney, Falkner, George, Heard, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Taylor, Ventress, Wharton, Yarbrough, Young—Total 28.

Nays — Messrs. Dent of Sixteenth District, Dunn, Farley, Hinton, Hughes, Sanders—Total 6.

Absent and those not voting—Messrs. Bailey, Evans, Gardner, Greaves, Hicks, Key, Seawright, Sharborough, Shelton, Sheppard and Wilson—Total 11.

On motion of Mr. Cayce the title was amended to read as follows:

"An Act to direct the purchase of Beauvoir, the former home of Jefferson Davis, by the State of Mississippi, and to appropriate means for the payment thereof, and for repairing and caring for the same."

Whereupon the title as amended was adopted.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

S. B. No. 66, To be entitled An Act to amend Section 1714 of the Annotated Code of 1892 relative to costs in proceedings to establish escheats, so as to provide for the allowance and payment of commissions and attorneys' fees in such proceedings, and for the payment of costs in cases in which the personal estate is insufficient.

S. B. No. 26, To be entitled An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties, and to provide for its maintenance, and for the issuance of future publications of the Mississippi Historical Society, with the accompanying amendment.

H. B. No. 125, To be entitled An Act to amend Sections 2912, 2913 and 2914 of the Code of 1892, relative to the limits and boundaries of municipalities.

And has adopted on first, second and third readings and on three several days:

Senate Concurrent Resolution No. 10, a concurrent resolution to amend Section 183 of the Constitution of the State of Mississippi so that counties, Circuit Court Districts of counties, cities or towns may elect to take stock in or vote aid to railroads.

And has agreed to Senate amendments Nos. 1, 2 and 5 to H. B. No. 41, To be entitled An Act to appropriate money to defray the expenses of the legislative, executive and judicial departments of the State government and to pay interest on the State debt; and refused to concur in Senate amendments 3 and 4, and asks a conference on the disagreement of the two Houses on same, and names as conferees on the part of the House Messrs. Cox of Panola, Frazier and Swinney.

And has declined to concur in Senate amendments to H. B. No. 109, To be entitled An Act to raise revenue to carry on the State government of Mississippi for the fiscal years 1902 and 1903, and asks a conference on the disagreement of the two Houses on the same, and names as conferees on the part of the House Messrs. Evans, Magruder and Arnold.

L. PINK SMITH, *Clerk.*

The Conference Committee asked for by the House on the disagreement of the two Houses touching House Bills Nos. 41 and 109, above set out, were agreed to and the Chair appointed as conferees on the former bill Messrs. Campbell, Cayce and Jones, and on the latter bill Messrs. Falkner, Adams and Bradley.

HOUSE BILL ON THE CALENDAR.

H. B. No. 125, An Act to amend Sections 2912, 2913 and 2914 of the Code of 1892, relative to the limits and boundaries of municipalities, was, under a suspension of the rules, read twice and referred to Judiciary Committee.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has adopted the following concurrent resolution:

Resolved by the Legislature of the State of Mississippi, That the Speaker of the House and the President of the Senate adjourn their respective Houses sine die at 12 o'clock M. on Friday the 28th day of February, A. D. 1902.

L. PINK SMITH, *Clerk.*

RESOLUTION.

The following resolution, offered by Mr. Adams, was on motion adopted, viz.:

Resolved, That the sum of thirty-two dollars be, and the same is hereby appropriated out of the Senate legislative contingent fund for the purpose of defraying the Senate's proportionate part of the expense incurred in entertaining Mrs. Jefferson Davis while a guest of the State of Mississippi upon the invitation of the Legislature. The said sum to be paid on the warrant signed by the President of the Senate and the Secretary, as other such warrants are drawn.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Registration and Election:

MR. PRESIDENT: The Committee on Registration and Election has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 1, An Act to repeal all of Chapter 105 relating to primary meetings and elections except Section 3274 and 3275, and to provide all nominations for State, district, county district, and county officers to be made by primary election.

That the Senate concur in House amendments Nos. 3, 6, 7, and 9, and that the Senate do not concur in House amendments Nos. 1, 2, 4, 5 and 8.

B. C. ADAMS, *Chairman.*

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 142, An Act to authorize the Board of Supervisors of Perry County and Board of Aldermen of the city of Hattiesburg to invest the sinking fund now on hand and being raised with which to pay off certain bonds.

Title sufficient; bill do pass, for in the opinion of your com-

mittee the relief sought can not be given through the courts nor advantageously provided for by general law.

VENTRESS, *Chairman*.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 18, An Act to make an appropriation for the payment of the amount of money expended by the Trustees of the Agricultural and Mechanical College in excess of the appropriation made for the building and equipment of the Textile School at Starkville, Miss.

S. B. No. 51, An Act to authorize the Board of Mayor and Aldermen of the city of Natchez to issue bonds for the purpose of purchasing the waterworks and sewerage system owned and operated in said city by the Natchez Water Supply and Sewer Company, or for the purpose of building, constructing or otherwise securing for said city a system of sewerage and waterworks.

S. B. No. 74, An Act to repeal so much of Section 2 of an Act entitled An Act to relieve the Delta Bank of Greenwood, Miss., from double taxation and to return to it certain taxes overpaid, approved March 9, 1900, as may require the Board of Levee Commissioners of the Yazoo-Mississippi Delta to pay to the said bank the sum of \$643.04.

S. B. No. 75, An Act to repeal so much of Section 2 of an Act entitled An Act to relieve the Bank of Greenwood, of Greenwood, Miss., from double taxation, and to refund to it certain taxes overpaid, approved March 6, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank \$492.05.

S. B. No. 76, An Act to authorize and empower the Board of Levee Commissioners for the Yazoo-Mississippi Delta to levy a tax upon all privileges exercised within the said levee district.

S. B. No. 77, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds to an amount not exceeding two hundred and fifty thousand dollars for the purpose of raising funds for high water emergencies and for other purposes.

S. B. No. 78, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to borrow money for certain purposes authorized by law, and to issue its debentures therefore.

S. B. No. 79, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds for the purpose of refunding its outstanding bonded indebtedness at a lower rate of interest.

S. C. R. No. 7, Resolution proposing an amendment to the Constitution requiring that all amendments, change or alterations of said Constitution be inserted by the Legislature at the next

succeeding session after the election requiring such change, alteration or amendment made.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the matter pending at the hour of adjournment on yesterday, being S. B. No. 67, An Act to appropriate money for the completion and furnishing of the new State house, for beautifying the grounds thereof, and for the removal of the State's official archives and property to the new State house.

On motion of Mr. Bradley the bill was considered engrossed, read a third time and failed to secure the constitutional majority by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Falkner, George, Heard, Kiger, Martin, Moore, Rowan, Wharton—Total 19.

Nays — Messrs. Broyles, Chrisman, Dunn, Farley, Hinton, Hughes, Jones, Looney, McGehee, Noel, Sanders, Sharborough, Ventress, Yarbrough, Young—Total 15.

Absent and those not voting—Messrs. Bailey, Evans, Gardner, Greaves, Hicks, Key, Seawright, Shelton, Sheppard, Taylor and Wilson—Total 11.

Title standing as stated.

Mr. Dunn entered a motion to reconsider the vote whereby the bill failed to pass.

EXPLANATION OF VOTE.

I voted "yea" on the \$25,000 bill because I was assured that a large amount of it at least would be necessary and the amount was guarded by a proviso in the bill "that only so much as was necessary would be used," and if said amount over \$100,000 was not appropriated that the work would be retarded, and could not be fully finished.

E. A. ROWAN.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of

the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 18, An Act to make an appropriation for the payment of the amount of money expended by the Trustees of the Agricultural and Mechanical College in excess of the appropriation made for the building and equipment of the Textile School at Starkville, Miss.

S. B. No. 51, An Act to authorize the Board of Mayor and Aldermen of the city of Natchez to issue bonds for the purpose of purchasing the waterworks and sewerage system owned and operated in said city by the Natchez Water Supply and Sewer Company, or for the purpose of building, constructing or otherwise securing for said city a system of sewerage and waterworks.

S. B. No. 74, An Act to repeal so much of Section 2 of an Act entitled An Act to relieve the Delta Bank of Greenwood Miss., from double taxation and to return to it certain taxes overpaid, approved March 9, 1900, as may require the Board of Levee Commissioners of the Yazoo-Mississippi Delta to pay to the said bank the sum of \$643.04.

S. B. No. 75, An Act to repeal so much of Section 2 of an Act entitled An Act to relieve the Bank of Greenwood, of Greenwood, Miss., from double taxation and to refund to it certain taxes overpaid, approved March 6, 1900, as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank \$492.05.

S. B. No. 76, An Act to authorize and empower the Board of Levee Commissioners for the Yazoo-Mississippi Delta to levy a tax upon all privileges exercised within the said levee district.

S. B. No. 77, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds to an amount not exceeding two hundred and fifty thousand dollars for the purpose of raising funds for high water emergencies, and for other purposes.

S. B. No. 78, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to borrow money for certain purposes authorized by law, and to issue its debentures therefor.

S. B. No. 79, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds for the purpose of refunding its outstanding bonded indebtedness at a lower rate of interest.

SHARBOROUGH, *Chairman.*

Mr. Campbell called up for consideration H. C. R. No. 1, a concurrent resolution to amend Section 36 of the Constitution of the State of Mississippi.

On motion of Mr. Campbell the resolution was read in full and passed its third day and reading by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth

District, Dulaney, Falkner, Farley, Gardner, George, Heard, Hinton, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Ventress, Wilson, Yarbrough, Young—Total 34.

Nays—Messrs. Dunn and Hughes—Total 2.

Absent and those not voting—Messrs. Bailey, Dent of Sixteenth District, Evans, Greaves, Hicks, Key, Seawright, Shelton, and Wharton—Total 9.

Title standing as stated.

Mr. Moore called up House amendment to S. B. No. 26, An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties and to provide for its maintenance, and for the issuance of future publications of the Mississippi Historical Society, and moved that the said House Amendment which provides for striking out of the title the words "and to provide for its maintenance," be concurred in, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hinton, Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Ventress, Wilson, Yarbrough, Young—Total 35.

Absent and those not voting—Messrs. Bailey, Broyles, Dent of Fourth District, Evans, Greaves, Hicks, Key, Seawright, Shelton and Wharton—Total 10.

REPORT OF SPECIAL COMMITTEE ON ENROLLED BILLS TOUCHING
INVESTIGATION OF THE FRAUDULENT INTERLINEATION OF
S. B. NO. 125, PASSED AT THE 1900 TERM OF THE
LEGISLATURE.

MR. PRESIDENT: The Committee on Enrolled Bills, to whom was referred the investigation of the unauthorized interlineation of S. B. No. 125, effected during the session of 1900, respectfully report:

We examined a number of witnesses whose evidence, taken in shorthand, is herewith submitted. There is no material conflict in the testimony. The proof is clear that the forged addition of three words to said bill was made after it passed both Houses and before it was enrolled, at a time when no alteration was legal. This alteration ostensibly created a liability of thousands of dollars against the State and in favor of the Wineman heirs, who were its sole beneficiaries.

The circumstances detailed in evidence are:

In 1862 our State held a large quantity of lands which were subject to purchase at a minimum price of twenty-five cents an acre, with the express condition that no person should buy exceeding 240 acres and then solely for his own use. To violate this

law, by a fraudulent evasion, Mr. Wineman, through a Memphis lawyer, C. Perkins, procured about 150 irresponsible persons to sign blank applications for land entries, professedly for their own use, and at the same time execute deeds for the land proposed to be entered to Mr. Wineman. These blanks in applications and deeds were filled by Wineman's attorney and the State paid from money supplied by Wineman. Through such frauds Wineman obtained nominal title to about 35,000 acres of land. The proceeds of the sales of a part of this land largely more than reimbursed him for his total outlay.

The title to about 12,000 acres of this land was not in the State when Wineman effected this speculative entry. In suits between him, the State and others, his title failed. Then he sought to recover through the courts the amount paid for the land for which the title had failed. The decision of the court was adverse to him, his own fraud and other defenses being interposed. The decision of the Supreme Court against his claim was rendered in the fall of 1899.

On January —, 1900, a private bill was introduced in the Senate, S. B. No. 86, appropriating over \$6,000 to Wineman's heirs for purchase money and interest. This bill was advocated before the Committee on Local and Private Legislation by Mr. G. W. Carlisle and his attorneys, but the committee was adverse. At Mr. Carlisle's request report was withheld until at near the close of session when at his instance the bill was withdrawn.

Soon after our present Attorney General was inducted into office Mr. G. W. Carlisle presented to him for his inspection and approval the original of S. B. No. 125. After reading the bill the Attorney General declined to approve it, telling Mr. Carlisle that he thought there were some snakes in it. After this Mr. Carlisle handed the bill to Senator E. H. Moore, who introduced it as S. B. No. 125. Under the terms of the bill as introduced the Wineman claim made a charge on the State treasury and money was appropriated for its payment and of other claims. On reading the bill in the Judiciary Committee, of which he was chairman, Senator E. H. Moore discovered the provision that validated the Wineman claim, called the attention of the committee to it, and had that feature eliminated by a redraft of that section of the bill. The bill with the Wineman feature omitted passed the Senate and was referred to the House Judiciary Committee. Judge Anderson, chairman of that committee, at the instance of Mr. Carlisle, effected an amendment to this bill by the terms of which the Wineman claim would be embraced, and in this form the bill passed the House. The Senate refused to concur in the House amendment. When Judge Anderson's attention was called to the effect of the amendment he brought the matter to the attention of the House and the House receded from the amendment, neither the House nor Judge Anderson having been apprised of its effect. The proposed amendment was not written in the Senate

Bill, but upon a separate sheet of paper which was attached to the bill, and when the House receded from its amendment this paper was detached and the bill stood as it was when it passed the Senate. In this condition both House and Senate finally agreed on the passage of the bill, and it was put in the hands of the Secretary of the Senate for enrollment and delivered by him to one of his enrolling clerks. After the passage of the bill and before its receipt by the enrolling clerk an interlineation, in pencil, was inserted, making the Wineman claim a charge upon the State, notwithstanding its rejection by each branch of the Legislature. The forgery was not detected by the enrolling clerk nor by the enrolling committee, and was enrolled as a part of S. B. No. 125, and signed by the President of the Senate and Speaker of the House and approved by the Governor. The journals of both Houses show that the amendment was defeated.

After the adjournment of the Legislature Mr. G. W. Carlisle called on the Attorney General for the approval of his application for a warrant on the State treasury for the Wineman claim. The Attorney General promptly refused his approval and the claim was carried into the courts. In the first suit the Attorney General was successful. A second suit was instituted by the attorneys of Mr. Carlisle, and is now pending in the Supreme Court, the reliance of the Wineman heirs being that the signature of the Lieutenant Governor and Speaker precluded the investigation of the question of forgery of that provision in the bill on which the suit is based.

The Wineman heirs have not been in Mississippi. Their claim against the State is and has been represented by Mr. G. W. Carlisle, who employed as his attorneys Messrs. Brame & Alexander and engaged the services of Mr. Sidney McLaurin to assist in procuring the enactment of a law in the interest of the Wineman heirs. All expenses were to be borne by him out of his share of the claim.

We most heartily commend the action of the Attorney General in defending the State treasury from a claim which originated in fraud and falsehood, and whose success is now based upon a forged alteration of a bill that passed the House and Senate. The evidence shows that neither the Clerk of the House nor the Secretary of the Senate, nor any of the other employees were in any manner blamable for the interlineation or its enrollment.

There are persons in Hinds County, we are told, who could identify the handwriting of the forged interlineation. While we have been unable to obtain evidence from such a witness, the grand jury to whom more sources of information are open may be able to procure proof of this fact, especially if they are given the aid, as they should have, of an expert on handwriting.

The fraudulent interlineation of a bill that passed the House and Senate should, we think, defeat any claim based on such a crime. However, we recommend that an Act be passed removing from our statutes the words interlined in the S. B. No. 125, now

Chapter 76 of the Acts of 1900, on which the Wineman suit is founded. This can not be done at the present session without a submission of the matter by the Governor. Even if such legislation be delayed until the next session of the Legislature no pecuniary loss will be thrown on the State, as the appropriation has been guarded against any use of it to the payment of the Wine-man claim.

Respectfully submitted,

B. W. SHARBOROUGH, *Chairman.*

Mr. Adams called up for consideration out of order under a suspension of the rules S. B. No. 1, reported this morning by the Committee on Registration and Elections, viz.: An Act to repeal all of Chapter 105 relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations for State, district, county district and county officers to be made by primary elections, and moved that the Senate proceed to the consideration of House amendment to the said bill.

On motion of Mr. Noel it was ordered that the amendments be considered separately.

Pending consideration of the foregoing the Senate, at 12.40, went into executive session with closed doors. At 12.45 the Senate resumed legislative business with open doors and thereupon took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 p. m. by President *pro tem.* Kiger, a quorum being present.

The Senate proceeded to the consideration of the matter pending when a recess was taken this forenoon, being House amendment to S. B. No. 1, above set out.

Amendment No. 1, viz.:

Amend Section 1 by adding after the last word the following: "Provided that any county executive committee may have the power to order a primary for county and county district officers other than for the members of the Legislature and the State Senate at a different time from the date herein fixed for the nomination of State officers. And that said members of the Legislature and Senate shall be nominated at the time fixed for the nomination of State officers, as herein provided for."

On motion of Mr. Adams the Senate refused to concur by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Cayce, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Heard, Hinton,

Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Rowan, Sheppard, Taylor, Wharton, Wilson, Yarbrough—Total 29.

Nays—Messrs. Campbell, Chrisman, George, Noel—Total 4.

Absent and those not voting—Messrs. Cooper, Evans, Gardner, Greaves, Hicks, Key, Sanders, Seawright, Sharborough, Shelton, Ventress and Young—Total 12.

House amendment No. 2:

Amend by inserting at end of Section 3 the following:

“Each Congressional Executive Committee shall, during the month of August, 1902, choose or provide for the choosing of three State executive committeemen, and the terms of the said State Executive Committeemen shall commence September 1, 1902, and end with the State Convention to be held in 1904.

On motion of Mr. McGehee the Senate refused to concur in the amendment by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hinton, Hughes, Kiger, Looney, McGehee, Moore, Rowan, Sanders, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 35.

Nays—Messrs. Jones, Martin, Noel—Total 3.

Absent and those not voting—Messrs. Evans, Greaves, Hicks, Key, Seawright, Sharborough, Shelton—Total 7.

Title standing as stated.

House amendment No. 3:

Amend by adding after the word “primary,” in line 5, in Section 5 the following, “except that the first primary election for the nomination of Congressmen shall be held not earlier than the 20th day of August, and not later than the 1st day of September, on a date to be fixed by the respective District Executive Committees, and the second primary shall be held three weeks after the date of the first primary.”

On motion of Mr. Noel the Senate concurred in amendment No. 3 by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hinton, Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 36.

Nays—Messrs. Abbay and Ventress—Total 2.

Absent and those not voting—Messrs. Evans, Greaves, Hicks, Key, Seawright, Sharborough and Shelton—Total 7.

House amendment No. 4:

Amend by striking out in Section 5 all words after the word “office,” in line 11, up to and including the last word in line 20 of said section.

On motion of Mr. Adams the Senate refused to concur in this amendment by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hinton, Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 36.

Nays—Mr. Chrisman—Total 1.

Absent and those not voting — Messrs. Cooper, Evans, Greaves, Hicks, Key, Seawright, Sharborough and Shelton—Total 8.

House amendment No. 5:

Amend by striking out in lines 22 and 23, Section 5, the words "according to either of the methods above given."

On motion of Mr. Adams the Senate refused to concur by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hinton, Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough, Young—Total 36.

Nays—Mr. Chrisman—Total 1.

Absent and those not voting—Messrs. Cooper, Evans, Greaves, Hicks, Key, Seawright, Sharborough and Shelton—Total 8.

House amendment No. 6:

Add after word "primary," in line 28 the following, in Section 5, page 5:

When there is a tie in the first primary as to who stands second, the three persons receiving the highest number of votes shall go into the second primary, and the person who receives the plurality vote in the second primary shall be the nominee.

On motion of Mr. Adams the Senate concurred in the amendment by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Farley, Gardner, Heard, Hinton, Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 34.

Absent and those not voting — Messrs. Cooper, Dulaney, Evans, George, Greaves, Hicks, Key, Seawright, Sharborough, Shelton and Ventress—Total 11.

House amendment No. 7:

Amend by striking out in line 5, in Section 9, the word "three," and insert in lieu thereof the word "two."

On motion of Mr. Noel the Senate concurred in the amendment by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hinton, Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 36.

Nays—Mr. Ventress—Total 1.

Absent and those not voting—Messrs. Cooper, Evans, Greaves, Hicks, Key, Seawright, Sharborough and Shelton—Total 8.

Mr. Abbay entered a motion to reconsider the vote whereby this amendment was adopted.

House amendment No. 8:

Amend Section 16 by adding after the last word in said section the following: "Nothing contained in this Act shall defeat the right to place the name of any candidate on the official ballot in any election by petition, as provided by section 3652 of the Code of 1892."

On motion of Mr. Hughes the Senate refused to concur in the amendment by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Cayce, Cooper, Crawford, Dent of Fourth District, Dulaney, Dunn, Farley, Gardner, Hinton, Hughes, Kiger, McGehee, Moore, Rowan, Sanders, Sheppard, Wharton, Wilson—Total 21.

Nays—Messrs. Broyles, Campbell, Chrisman, Clinton, Dent of Sixteenth District, George, Greaves, Heard, Jones, Looney, Martin, Noel, Sharborough, Taylor, Ventress, Yarbrough, Young—Total 17.

Absent and those not voting—Messrs. Abbay, Evans, Falkner, Hicks, Key, Seawright, and Shelton—Total 7.

House amendment No. 9:

Amend by adding before enforcing clause a new section to be Section 24.

That the foregoing sections of this Act shall as far as applicable apply to municipalities.

On motion of Mr. Noel the Senate concurred in the amendment by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Heard, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sheppard, Taylor, Wharton, Wilson, Yarbrough, Young—Total 32.

Nays—Messrs. Abbay, Campbell, Greaves, Martin, Ventress—Total 5.

Absent and those not voting—Messrs. Broyles, Evans, Hicks, Key, Sanders, Seawright, Sharborough and Shelton—Total 8.

Mr. Noel moved that the bill, together with the report of the Senate's action on the foregoing amendments, be at once reported to the House.

Mr. Abbay made the point of order that he had entered a motion to reconsider the vote whereby sundry amendments were adopted, and that until said motion was disposed of the bill could not be transmitted.

Mr. George made point of order that Mr. Abbay having voted nay on the passage of the bill could not enter motion to reconsider amendments proposed by the House, which motion was overruled by the Chair. An appeal being taken from which ruling the ruling of the Chair was not sustained.

Thereupon the motion to transmit the bill and amendments prevailed, and the bill was accordingly transmitted to the House.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 25, 1902.

To the Legislature of the State of Mississippi.

GENTLEMEN: In compliance with a resolution this day adopted by the Senate requesting the submission of the following subject: "An Act to authorize the Board of Mississippi Levee Commissioners to build and construct a protection levee in Warren County, Mississippi," I have the honor to submit the same for such consideration and action as your wisdom may see fit.

Respectfully,

A. H. LONGINO, *Governor.*

INTRODUCTION OF BILL OUT OF ORDER.

Under a suspension of the rules S. B. No. 93, An Act to authorize the Board of Mississippi Levee Commissioners to build and construct a protection levee in Warren County, Mississippi, was introduced by Mr. Kiger, read twice and referred to the Committee on Local and Private Legislation.

REPORTS OF STANDING COMMITTEES OUT OF ORDER.

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. B. No. 93, An Act to authorize the Board of Mississippi Levee Commissioners to build and construct a protection levee in Warren County, Mississippi.

Title sufficient; that bill do pass, for in the opinion of your committee the relief sought can not be given by the courts nor advantageously provided by a general law.

VENTRESS, *Chairman*.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 116, An Act to amend Chapter 56 of the Acts of 1896, and Section 81 of Chapter 5 of the sheet Acts of 1898, and Section 1 of Chapter 42 of the sheet Acts of 1900, creating privilege taxes on certain industries in the State of Mississippi, thereby reducing the privilege taxes on telephone companies.

Amendments 2, 3, 4, 5, 6 and 7 be adopted; amendment No. 1 do not pass.

BRADLEY, *Chairman*.

Mr. Bradley called up for consideration, under a suspension of the rules, H. B. No. 116, An Act to amend Chapter 56 of the Acts of 1896, and Section 81 of Chapter 5 of the sheet Acts of 1898, and Section 1 of Chapter 42 of the sheet Acts of 1900, creating privilege taxes on certain industries in the State of Mississippi, thereby reducing the privilege tax on telephone companies.

Mr. Hughes withdrew his amendment, offered when the bill was pending on a former day, and offered in lieu thereof the following amendment, viz.:

Amend by adding: On each and every individual, company, corporation, who buy timber without buying also the land upon which same may be situated, there is hereby imposed a privilege tax, payable in each county in which such purchase may be made, as follows:

On each purchase of timber upon five hundred acres or less	\$25 00
On each purchase of timber upon tract exceeding five hundred acres, and not exceeding one thousand acres....	50 00
On each purchase of timber upon lands exceeding one thousand one hundred acres but not exceeding one thousand five hundred acres.....	75 00

And so on, paying a privilege tax of \$25 upon each five hundred acres or fractional part thereof.

Provided that this act shall not apply to saw mill operators who do not ship timber or lumber out of the State or sell timber or lumber to be shipped out of the State; and provided further, that nothing herein contained shall apply to individuals, persons or corporations paying an *ad valorem* tax upon the lands upon which said timber is grown, and said tax shall be an annual tax on all timbers so bought before and after the passage of this Act.

On motion of Mr. Dunn the same was tabled.

The following amendment to the bill as amended offered by Mr. Dunn, was adopted viz.:

Amend Section 78 by striking out the words and figures, "that Section 78 of this Act," in the 13th line, on page 4 of the bill, and insert in lieu thereof the following: "That Section 78 of said Act."

And by striking out the words and figures "that Section 81 of this Act," in the 18th line on the 4th page of the bill, and insert in lieu thereof the following: "That Section 81 of said Act."

Mr. Looney offered the following amendment to the bill as amended, viz.:

Amend Section —, on each agent representing a steam laundry not located in this State, \$2.50.

On motion of Mr. Moore the same was tabled.

The following amendment, offered by Mr. Dunn, was adopted, viz.:

Amend by striking out of the bill Section 2 thereof.

The following amendment, offered by Mr. Dunn, was adopted, viz.:

Amend by striking out of the bill Section 3 thereof, and insert in lieu thereof the following: "Section —, That this Act take effect and be enforced from and after its passage."

The following amendment, proposed by Mr. Noel, was adopted, viz.:

Amend by adding as an additional section:

Sec. —, Amend Section 61, Chapter 5, of the Acts of 1898 so that it shall read as follows:

Sec. 61. Peddlers.

On each peddler on foot in each county.....	\$10 00
On each peddler with one horse or mule, or other animal, and wagon or other vehicle, for each county.....	15 00
On each peddler with a wagon and two horses or mules or other animals, for each county.....	30 00
On each peddler of tinware or pottery, or both, not man- ufactured in this State, on foot, for each county.....	5 00
On each peddler of tinware or pottery, or both, not man- ufactured in this State, with wagon, each county....	10 00

But this person or his employees peddling pottery or tinware manufactured by himself in this State shall not be required to pay a privilege tax.

On each transient vendor of merchandise in each county,
whether sold from wagon, auction stand or otherwise.\$25 00

But this section shall not apply to peddlers who only barter merchandise or sell fruits, eggs, poultry or other farm products grown in this State.

The following amendment, offered by Mr. Campbell, was adopted, viz.:

And add to Life Insurance Section at end:

Provided that the tax herein imposed on life insurance companies shall not be enforced or collected, in case a law be passed and approved at the present session of the Legislature creating a separate department of insurance, providing for the regulation of insurance companies and the payment by them of a different tax from that herein imposed; but such law, if passed at this session, whether prior or subsequent to the passage of this Act, shall govern as to the tax to be paid by life insurance companies.

Thereupon, on motion of Mr. Bradley, the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Clinton, Cooper, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Greaves, Heard, Hinton, Hughes, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough Sheppard, Ventress, Wharton, Yarbrough — Total 31.

Nays—Messrs. Broyles and Jones—Total 2.

Absent and those not voting—Messrs. Crawford, Dent of Fourth District, Evans, Gardner, George, Hicks, Key, Seawright, Shelton, Taylor, Wilson and Young—Total 12.

On motion of Mr. Bradley the title was amended by striking out the words "thereby reducing the privilege taxes on telephone companies."

Whereupon the title as amended was adopted.

Mr. Bradley called up the motion heretofore entered to reconsider the vote whereby S. B. No. 67, An Act to appropriate money for the completion and furnishing of the new State house, for beautifying the grounds thereof and for the removal of the State's official archives and property to the new State house, failed to pass the Senate, and moved that the same be reconsidered, which motion prevailed.

Mr. McGehee offered the following amendment to the bill, viz.: Amend by striking out "\$250,000" and inserting in lieu thereof "\$160,000."

Mr. Dunn offered as a substitute for Mr. McGehee's amendment the following, viz.:

Amend Section 1 by striking out all of said section after the word "Mississippi," in the second line thereof, and inserting in lieu thereof the following: "That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State treasury not otherwise appropriated: For the purpose of grading and beautifying the grounds upon which the new Capitol is situated, \$60,000; for the proper furnishing of the new Capitol, \$75,000; for the purpose of paying for extra work done by the contractors to secure proper and suitable foundation for new State house the sum of \$30,641;

for the removal of the records, books, archives and other property of the State from the present site to the new State house when complete and ready for occupancy, \$5,000. Said moneys hereinbefore appropriated shall be expended by and under the direction of the State House Commission in the manner provided in Chapter 55 of the Acts of 1900 for building a new State house."

Mr. McGehee accepted the substitute, whereupon the same was adopted.

Thereupon, on motion of Mr. Bradley, the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, Heard, Hughes, Kiger, Martin, McGehee, Moore, Noel, Rowan, Sheppard, Ventress, Wharton—Total 26.

Nays—Messrs. Bailey, Broyles, Chrisman, Farley, Greaves, Hinton, Jones, Sanders, Seawright, Sharborough, Taylor, Yarbrough—Total 11.

Absent and those not voting—Messrs. Evans, George, Hicks, Key, Looney, Shelton, Wilson and Young—Total 8.

Title standing as stated.

Mr. Noel called up S. B. No. 88, An Act to aid, assist and encourage the organization of the Mississippi National Guard, and for the efficient support and maintenance as contemplated in Section 221 of the Constitution of the State of Mississippi.

On motion of Mr. Noel the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, Greaves, Heard, Hughes, Kiger, Looney, McGehee, Moore, Noel, Rowan, Seawright, Sheppard, Ventress, Wharton—Total 23.

Nays—Messrs. Adams, Farley, Hinton, Jones, Sanders, Sharborough, Taylor, Yarbrough—Total 8.

Absent and those not voting—Messrs. Broyles, Evans, George, Hicks, Key, Martin, Shelton, Wilson and Young—Total 9.

Title standing as stated.

Mr. Noel called up S. B. No. 84, An Act to increase the salary of the Adjutant General to six hundred dollars annually.

On motion of Mr. Noel the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dulaney, Gardner, Greaves, Heard, Kiger, McGehee, Moore, Noel, Rowan, Sharborough, Ventress, Wharton—Total 19.

Nays—Messrs. Bailey, Broyles, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, Hinton, Jones, Looney, Sanders, Taylor, Yarbrough—Total 12.

Absent and those not voting — Messrs. Bradley, Clinton, Cooper, Evans, George, Hicks, Hughes, Key, Martin, Seawright, Shelton, Sheppard, Wilson and Young—Total 14.

Title standing as stated.

Mr. Kiger obtained consent to call up out of order, under a suspension of the rules, S. B. No. 93, An Act to authorize the Board of Mississippi Levee Commissioners to build and construct a protection levee in Warren County, Mississippi, introduced and reported this day, and moved the passage of the bill.

On motion of Mr. Kiger the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, Greaves, Hinton, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Taylor, Ventress, Wharton, Yarbrough—Total 31.

Absent and those not voting—Messrs. Clinton, Cooper, Evans, George, Heard, Hicks, Hughes, Key, Martin, Seawright, Shelton, Sheppard, Wilson and Young—Total 14.

Title standing as stated.

Mr. Cayce called up S. B. No. 87, An Act to amend Section 4151 of the Annotated Code of 1892 so as to provide for loan of Sixteenth Section fund.

On motion of Mr. Cayce the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, Heard, Hinton, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Taylor, Ventress, Wharton, Yarbrough,—Total 30.

Absent and those not voting — Messrs. Clinton, Cooper, Evans, Falkner, George, Greaves, Hicks, Hughes, Key, Martin, Seawright, Shelton, Sheppard, Wilson and Young—Total 15.

Title standing as stated.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County.

S. B. No. 66, An Act to amend Section 1714 of the Annotated Code of 1892 relative to costs in proceedings to establish escheats, so as to provide for the allowance and payment of commissions and attorneys' fees in such proceedings and for the payment of costs in cases in which the personal estate is insufficient.

S. C. R. No. 10, a concurrent resolution to amend Section 183 of the Constitution of the State of Mississippi so that counties, Circuit Court Districts of counties, cities or towns may elect to take stock in or vote aid to railroads.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 48, An Act making an appropriation for the support, repairs, additional buildings improvements and equipment of the Mississippi Agricultural and Mechanical College.

H. B. No. 122, An Act to raise revenue by imposing a privilege tax on every person, firm or corporation who as a broker receives and transmits orders for the purchase or the sale for future delivery of any commodity or other things.

H. B. No. 135, An Act to provide for the construction of macadamized roads by Boards of Supervisors in certain counties.

H. B. No. 141, An Act authorizing and empowering the Board of Supervisors of Oktibbeha County, Mississippi, to loan any or all surplus money of any fund on certain security and to buy bank or other stocks, or town, city, county, State or United States bonds, and to use as much as \$2,500 for the purpose of paying any balance due on account of court house or for further equipment or furnishing of said court house.

H. B. No. 155, An Act to empower the Board of Supervisors of Covington County to order an election for the purpose of submitting to the qualified electors of said county the removal of the county seat of justice of said county.

H. B. No. 159, An Act to make an appropriation to pay the salary of the Assistant Attorney General for the years 1902 and 1903.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

Mr. Jones stated that in view of the absence of one of the members on the special committee to investigate the resignation

of ex-Treasurer Stowers, it was necessary that another Senator be appointed to act on said committee.

Whereupon the Chair appointed Mr. Farley to fill said vacancy.

At 6.20 P. M., on motion of Mr. Abbay, the Senate adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

THIRTY-EIGHTH DAY.

WEDNESDAY, February 26, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Greaves, Heard, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 37.

Absent — Messrs. Cayce, Crawford, Evans, Hicks, Key, Martin, Shelton, and Young — Total, 8.

On motion of Mr. Noel, the reading of the journal of yesterday was dispensed with, and the same stood approved.

The courtesies of the Senate were extended to Capt. V. H. Wallace, of Attala County.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

S. B. No. 17, To be entitled An Act to make an appropriation to defray the expenses of the State Board of Health for the years 1902 and 1903.

S. B. No. 72, To be entitled An Act to provide for the maintenance of the Department of Archives and History, and for the issuing of future publications by the Mississippi Historical Society.

S. B. No. 69, To be entitled An Act to authorize the Board of Supervisors of Simpson County to invest its court house and jail fund.

S. B. No. 63, To be entitled An Act to authorize Boards of Supervisors to hire laborers to work on county convict farms being worked by convicts in certain cases of necessity.

S. B. No. 73, To be entitled An Act to provide for the payment of interest due on the original seminary fund, and the 1894 land grant fund, for the support of the University of Mississippi for the years 1902 and 1903; which was received from the Senate for reconsideration, and which was reconsidered and again passed with the accompanying amendment thereto.

S. B. No. 45, To be entitled An Act to amend Section 3952 of the Annotated Code of Mississippi, 1892, so as to fix the salary of the Secretary of the Railroad Commission at the sum of \$1,200; with the accompanying amendment thereto, in the nature of a substitute.

And has failed to adopt on its first reading —

Senate Concurrent Resolution No. 12, Proposing to amend the Constitution of the State by abrogating therefrom Sections 118 and 166, so as to relieve the Legislature from the restrictions thereby imposed in regard to the salaries of the Governor, Judges, and Chancellors.

And also failed to adopt Senate Concurrent Resolution No. 14, Proposing to amend Section 85 of the State Constitution so that uniformity in the method of working the public roads of the State may be enforced.

And has concurred in Senate amendments to House Bill No. 35, To be entitled An Act to transfer to the office of Land Commissioner all State land records, all levee land records, and all other land records, except assessment rolls now in the Auditor's office, and to repeal Sections 3815, 3837, 3857, 3858, 3859, 3863, 3864, 3865, and 3866, of the Annotated Code of 1892.

And has also agreed to Senate amendment to House Bill No. 45, To be entitled An Act to amend Section 1991 of the Annotated Code of 1892, so as to graduate the salaries of clerks of the Chancery Courts for *ex officio* services rendered.

And has also adopted House Concurrent Resolution No. 6, To appoint a special committee to investigate the Industrial Institute and College, to report to the Governor after the adjournment of the Legislature.

L. PINK SMITH, *Clerk*.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

House Bill No. 171, To be entitled An Act to appropriate the interest due the Alcorn Agricultural and Mechanical College, and to provide for its expenditure by the Board of Trustees.

L. PINK SMITH, *Clerk*.

HOUSE BILL ON THE CALENDAR.

H. B. No. 71, An Act to appropriate the interest due the Alcorn Agricultural and Mechanical College, and to provide for its expenditure by the Board of Trustees, was read twice, under a suspension of the rules, and referred to the Committee on Finance.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 25, 1902.

MR. PRESIDENT: I am directed by His Excellency the Governor to inform the Senate that he has this day approved the following bills, to-wit:

S. B. No. 77, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds to an amount not exceeding two hundred and fifty thousand dollars, for the purpose of raising funds for high water emergencies, and for other purposes.

S. B. No. 66, An Act to amend Section 1714 of the Annotated Code of 1892, relative to costs in proceedings to establish escheats, so as to provide for the allowance and payment of commissions and attorney's fees in such proceedings, and for the payment of costs in cases in which the personal estate is insufficient.

S. B. No. 78, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to borrow money for certain purposes authorized by law, and to issue its debentures therefor.

S. B. No. 18, An Act to make an appropriation for the payment of the amount of money expended by the Trustees of the Agricultural and Mechanical College in excess of the appropriation made for the building and equipment of the Textile School at Starkville, Mississippi.

S. B. No. 79, An Act to authorize the Board of Levee Commissioners for the Yazoo-Mississippi Delta to issue bonds for the purpose of refunding its outstanding bonded indebtedness at a lower rate of interest.

S. B. No. 51, An Act to authorize the Board of Mayor and Aldermen of the city of Natchez to issue bonds for the purpose of purchasing the waterworks and sewerage system owned and operated in said city by the Natchez Water Supply and Sewer Company, or for the purpose of building, constructing or otherwise securing for said city a system of sewerage and waterworks.

Respectfully,

J. J. COMAN, *Private Secretary.*

Mr. Abbay moved that S. B. No. 1, Relating to primary meetings and elections, which bill, together with sundry amendments thereto proposed by the House and acted on by the Senate, was transmitted to the House on yesterday, be recalled from the House

and lie on the table until his motion to reconsider one of said amendments was disposed of, according to the constitutional provision relating to reconsideration of votes.

On motion of Mr. Hughes, the motion was tabled.

Mr. Noel called up the motion entered on yesterday by Mr. Abbay, to reconsider the vote whereby House amendment No. 7 to S. B. No. 1, the Primary Election Bill, above referred to, was concurred in, and moved to table the motion to reconsider, which motion prevailed.

RESOLUTIONS.

The following resolution, introduced by Mr. Chrisman, was, on motion, adopted, viz.:

Resolved, By the Senate of the State of Mississippi, the House of Representatives concurring therein, That the various messages of the Governor, submitting such matters as could and should be passed upon at this session of the Legislature, be and the same are directed and required to be published in the same volume with the Acts of 1902.

Senate Concurrent Resolution No. 18, Resolution to authorize and require survey to determine the practicability of constructing canal and improving the waterways of Mississippi, was introduced by Mr. Cayce, and referred to the Judiciary Committee.

Mr. Dulaney moved to take a recess until 3 o'clock this afternoon, which motion was lost.

On motion of Mr. Dunn, House Concurrent Resolution fixing the time for adjournment *sine die* at 12 o'clock M., February 28th, was tabled, subject to call.

House Concurrent Resolution No. 6, A concurrent resolution to appoint a special committee to investigate the Industrial Institute and College, to report to the Governor after the adjournment of the Legislature.

On motion of Mr. Adams, the resolution was tabled, subject to call.

Senate Joint Resolution No. 3, Memorializing the Congress of the United States to appropriate money to deepen and complete the Ship Island Harbor.

On motion of Mr. George, the substitute for this resolution, proposed by the House, was adopted.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT: The committee has had under consideration H. B. No. 41, and have instructed me to report the same back with the following suggestions:

(1) That the appropriation therein for special Judges and Chancellors be changed from \$10,000 to \$8,000.

(2) That the Committee can not agree on Senate amendment in reference to the following item: "Interest since July 1, 1901, on

5 per cent bonds which have not been presented for redemption in pursuance of the call of the Governor, \$1,500," the House portion of the committee insisting that the Senate recede from said amendment, to which the Senate portion of the committee would not agree.

J. B. CAMPBELL,
Chairman on part of Senate.

J. M. Cox,
Chairman on part of House.

Mr. Rowan called from the table Senate Joint Resolution No. 1, Providing for the appointment of a joint committee to investigate the State Board of Health.

On motion of Mr. George, the resolution was tabled.

Mr. Yarbrough called up the motion to reconsider the vote whereby Senate Concurrent Resolution No. 17, A Concurrent Resolution to amend the Constitution by adding thereto, failed to pass, and moved to reconsider the same, which motion was lost.

INTRODUCTION OF BILL OUT OF ORDER.

S. B. No. 94, An Act to appropriate money to pay interest on bonds authorized to be sold to raise money to complete the new State House, and other purposes, was introduced by Mr. Bradley, out of order, under a suspension of the rules, read twice, and referred to the Finance Committee.

REPORT OF STANDING COMMITTEE.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 94, An Act to appropriate money to pay interest on bonds authorized to be sold to raise money to complete the new State House, and other purposes.

H. B. No. 136, An Act to provide for the payment of the premiums on the bonds of the several State officials when made by guarantee or surety companies.

BRADLEY, *Chairman.*

On motion of Mr. Bradley, the rules were suspended and S. B. No. 94, just introduced and reported, was read a third time, and passed by the following vote, viz.:

Yeas — Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Greaves, Heard, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Noel, Sanders, Seawright, Sharborough, Taylor, Ventress, Yarbrough — Total, 28.

Absent and those not voting — Messrs. Abbay, Broyles, Chrisman, Cooper, Crawford, Evans, Farley, Hicks, Key, Martin, Moore, Rowan, Shelton, Sheppard, Wharton, Wilson, and Young — Total, 17.

Title standing as stated.

Mr. Falkner called up S. B. No. 73, An Act to provide for the payment of interest due on the original seminary fund and the 1894 land grant fund for the support of the University of Mississippi for the years 1902 and 1903, and moved that the following House amendment be concurred in, viz.:

Amend by adding to the last line preceding the enforcing clause the following: "The same to be supplemental to the uses and purposes specified in an Act entitled An Act to make appropriation for the support of the University of Mississippi for the years 1902 and 1903, and for buildings and equipment needed.

The amendment was concurred in by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Farley, Gardner, George, Greaves, Heard, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 33.

Absent and those not voting — Messrs. Cayce, Clinton, Cooper, Crawford, Dulaney, Evans, Hicks, Key, Martin, Sharborough, Shelton, and Young — Total, 12.

Mr. Moore called up S. B. No. 85, An Act to amend an Act entitled An Act to appropriate money to defray the expense incident to investigation of penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee, and of Sergeant-at-Arms for service of process issued by said committee, compensation of stenographer employed by said committee, and payment of incidental expense incurred and to be incurred by said committee, approved February 13, 1902, so as to authorize and provide for all lawful expense incurred by said committee, and moved that House amendment to the bill, to insert the words "Legislature of the" before the word "State," in the enacting clause, be adopted, which motion prevailed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Greaves, Heard, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 33.

Absent and those not voting — Messrs. Broyles, Clinton, Cooper, Crawford, Evans, Farley, Hicks, Key, Martin, Sharborough, Shelton, and Young — Total, 12.

Mr. Sheppard called up H. B. No. 142, An Act to authorize the Board of Supervisors of Perry County, and the Mayor and

Board of Aldermen of the city of Hattiesburg, to invest the sinking funds now on hand and being raised with which to pay off certain bonds.

On motion of Mr. Sheppard, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dunn, Falkner, Farley, George, Greaves, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Moore, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 31.

Absent and those not voting — Messrs. Campbell, Clinton, Cooper, Crawford, Dulaney, Evans, Gardner, Heard, Hicks, Key, Martin, Noel, Shelton, and Young — Total, 14.

Title standing as stated.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 17, An Act to make an appropriation to defray the expenses of the State Board of Health for the years 1902 and 1903.

S. B. No. 26, An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties, and for the issuing of future publications of the Mississippi Historical Society.

S. B. No. 63, An Act to authorize Boards of Supervisors to hire laborers to work on county farms being worked by convicts, in certain cases of necessity.

S. B. No. 69, An Act to authorize the Board of Supervisors of Simpson County to invest its court house and jail fund.

S. B. No. 72, An Act to provide for the maintenance of the Department of Archives and History, and to aid the Mississippi Historical Society in issuing its future publications and distributing same.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bills read by their titles, and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 35, An Act to transfer to the office of the Land Commissioner all State land records, all levee land records, and all other land records, except assessment rolls, now in Auditor's

office, and to repeal Sections 3815, 3837, 3850, 3853, 3854, 3855, 3857, 3858, 3859, 3861, 3863, 3864, 3865, and 3866, of the Annotated Code of 1892.

H. B. No. 45, An Act to amend Section 1991 of the Annotated Code of 1892, so as to graduate the salaries of Clerks of Chancery Courts for *ex officio* services rendered.

H. B. No. 68, An Act to amend Section 4387, Code of 1892, in relation to the salary of porter of the Supreme Court, so as to increase the same.

H. B. No. 70, An Act to appropriate from the pension funds returned to the treasury, money to pay pensions to those whose applications were received after the distribution had been made to the counties by the Auditor.

H. B. No. 157, An Act to amend Section 455 of the Annotated Code of 1892, as amended by Chapter 84 of the Laws of 1900, in relation to terms of Chancery Court in the Seventh Chancery Court District, so as to change and fix time for holding of Chancery Court in Tallahatchie County, so as to read as follows:

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles, and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 73, An Act to provide for the payment of interest due on the original seminary fund and the 1894 land grant fund for the support of the University of Mississippi for the years 1902 and 1903.

S. B. No. 85, An Act entitled An Act to appropriate money to defray the expense incident to investigation of penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said Committee and of Sergeant-at-Arms for service of process issued by said committee, compensation of stenographer employed by said committee, and payment of incidental expenses incurred and to be incurred by said committee, approved February 13, 1902, so as to authorize and provide for payment of all lawful expense incurred by said committee.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles, and signed the same, calling the attention of the Senate thereto.

Mr. Bradley called up S. B. No. 90, An Act to provide for lights, fuel, etc., for Governor's mansion for years 1902 and 1903.

On motion of Mr. Bradley, the bill was indefinitely postponed.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 25, 1902.

To the Senate and House of Representatives.

GENTLEMEN: My attention has just been directed to a publication in the newspapers of the report by the Senate Committee on the subject of an improper interlineation in S. B. No. 125, Chapter 76, of the Acts of 1900, involving Wineman land claim. I note in said report the following:

"We recommend that an Act be passed removing from our statute the words interlined in S. B. No. 125, now Chapter 76, Acts of 1900, on which the Wineman suit is founded. This can not be done at the present session without a submission of the matter by the Governor."

I have the honor to submit, in response to this suggestion, the subject-matter for the fullest consideration at your hands.

Respectfully,

A. H. LONGINO, *Governor.*

Mr. Bradley called up H. B. No. 123, An Act to amend Section 313 of Chapter 17 of the Annotated Code of 1892, so as to authorize the Board of Supervisors to borrow from its County Treasurer, and to authorize said Treasurer to lend said Board out of any fund or funds in the treasury thereof not otherwise appropriated for the expenses of the current year, an amount of money not to exceed one hundred thousand dollars in one year.

On motion of Mr. Bradley, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Greaves, Heard, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Noel, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Yarbrough — Total, 28.

Absent and those not voting — Messrs. Abbay, Broyles, Chrisman, Cooper, Crawford, Dent of Fourth District, Evans, Farley, Hicks, Key, Martin, Moore, Rowan, Shelton, Sheppard, Wilson, and Young — Total, 17.

Title standing as stated.

Mr. Bradley called up H. B. No. 51, An Act to make an appropriation for fuel, lights, telephone, and janitor for the Governor's mansion for the years 1902 and 1903.

On motion of Mr. Bradley, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Greaves, Heard, Hughes, Kiger, Looney, McGehee, Moore, Noel, Sanders, Sharborough, Taylor, Ventress — Total, 25.

Nay — Mr. Jones — Total, 1.

Absent and those not voting — Messrs. Abbay, Broyles, Chrisman, Cooper, Crawford, Evans, Farley, Hicks, Hinton, Key, Martin, Rowan, Seawright, Shelton, Sheppard, Wharton, Wilson, Yarbrough, and Young — Total, 19.

Title standing as stated.

At 12.30, on motion of Mr. Bradley, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 P. M. by President Harrison, a quorum present.

RESOLUTION OUT OF ORDER.

The following resolution, offered by Mr. Gardner, was adopted, viz.:

Resolved, That in the event the World's Fair Bureau for this State, at the Louisiana Purchase Exposition to be held in St. Louis, Mo., in 1903, should provide for a Ladies' Department in connection with the State's exhibit, and we unqualifiedly recommend such a department, that Mrs. S. G. Hindman, postmistress of the Senate, be and is hereby most heartily endorsed and recommended by the Senate to the commissioners of said bureau as a suitable and proper lady to collect exhibits therefor, and to take charge of, and to supervise said department.

Mr. Clinton offered the following resolution, viz.:

Resolved, That at this afternoon's session of the Senate the regular order be the consideration of House bills.

Mr. Farley moved to table, which motion was lost by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Cooper, Dent of Sixteenth District, Farley, Greaves, Hinton, Jones, Looney, Noel, Yarbrough — Total, 15.

Nays — Messrs. Abbay, Bradley, Clinton, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Gardner, Hughes, Kiger, McGehee, Moore, Rowan, Seawright, Taylor, Ventress, Wharton, Wilson — Total, 20.

Absent and those not voting — Messrs. Crawford, Heard, Hicks, Key, Martin, Sanders, Sharborough, Shelton, Sheppard, and Young — Total, 10.

Thereupon the resolution was lost by the following vote, it requiring a two-third vote, viz.:

Yeas — Messrs. Abbay, Bradley, Clinton, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Greaves, Hughes, Kiger, McGehee, Moore, Rowan, Seawright, Taylor, Ventress, Wharton, Wilson — Total, 21.

Nays — Messrs. Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Cooper, Dent of Sixteenth District, Farley, Hinton, Jones, Looney, Noel, Sanders, Sharborough — Total, 15.

Absent and those not voting — Messrs. Crawford, Heard, Hicks, Key, Martin, Shelton, Sheppard, Yarbrough, and Young — Total, 9.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has received the report of the Conference Committee on the disagreement of the two Houses on H. B. No. 41, To be entitled An Act to appropriate money to defray the expenses of the Legislative, Executive, and Judicial Departments of the State Government, and to pay interest on the State debt; reporting that the committee could not agree on the differences between the two Houses, and the House asks another conference on same, naming as conferees on the part of the House, Messrs. Lamb, Brown of Adams, and Cox of Prentiss.

L. PINK SMITH, *Clerk.*

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 177, To be entitled an Act to make an appropriation for the support and maintenance and further equipment of the State penitentiary and State farms, and for other purposes connected therewith for the years 1902 and 1903.

And has concurred in Senate amendment to H. B. No. 157, To be entitled An Act to amend Section 455 of the Code of 1892, as amended by Chapter 84 of the Laws of 1900, in relation to terms of Chancery Court in the Seventh Chancery Court District, so as to change and fix the time for holding Chancery Court in the County of Tallahatchie.

And has receded from House amendments non-concurred in by the Senate to Senate Bill No. 1, To be entitled An Act to repeal all of Chapter 105 relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations

for State, district, county district, and county officers to be made by primary election.

L. PINK SMITH, *Clerk*.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following bills, which are herewith transmitted, to-wit:

H. B. No. 75, To be entitled An Act to authorize the Board of Supervisors of Amite County to transfer money from the common county fund to the school fund.

H. B. No. 169, To be entitled An Act to make an appropriation to pay L. Cullen, Tax Assessor of Lafayette County, commissions due for assessing property which had escaped taxation.

H. B. No. 170, To be entitled An Act to amend Section 622 of the Annotated Code of 1892 in relation to the time of holding the Circuit Courts in the Third Judicial District, so far as it relates to DeSoto County.

H. B. No. 172, To be entitled An Act to appropriate \$225 out of the State Treasury to pay Dr. E. L. Irby, County Health Officer of Tunica County, for medical services rendered in smallpox epidemic in Tunica County during the years 1897 and 1898.

L. PINK SMITH, *Clerk*.

HOUSE BILLS ON THE CALENDAR.

The following House bills on the Calendar were read twice, under suspension of the rules, and referred to committees as follows:

H. B. No. 75, An Act to authorize the Board of Supervisors of Amite County to transfer money from the common county fund to the school fund.

To Local and Private Legislation.

H. B. No. 169, An Act to make an appropriation to pay L. Cullen, Tax Assessor of Lafayette County, commissions due for assessing property which had escaped taxation.

To Local and Private Legislation.

H. B. No. 170, An Act to amend Section 622 of the Annotated Code of 1892, in relation to the time of holding the Circuit Courts in the Third Judicial District so far as it relates to DeSoto County.

To Judiciary.

H. B. No. 172, An Act to appropriate \$225 out of the State Treasury to pay Dr. E. L. Irby, County Health Officer of Tunica County, for medical services rendered in smallpox epidemic in Tunica County during the years 1897 and 1898.

To Local and Private Legislation.

H. B. No. 177, An Act to make an appropriation for the support and maintenance and further equipment of the penitentiary

and State farms, and for other purposes connected therewith, for the years 1902 and 1903.

To Finance.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to His Excellency the Governor, for his approval, the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of the Senate, in manner and form as required by the Constitution, to-wit:

S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County.

S. B. No. 66, An Act to amend Section 1714 of the Annotated Code of 1892, relative to costs in proceedings to establish escheats, so as to provide for the allowance and payment of commissions and attorneys' fees in such proceedings, and for the payment of costs in cases in which the personal estate is insufficient.

B. W. SHARBOROUGH, *Chairman*.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to His Excellency the Governor, for his approval, the following entitled bills, which were correctly enrolled, and each and severally signed by the Speaker of the House and President of the Senate, in manner and form as required by the Constitution, to-wit:

S. B. No. 17, An Act to make an appropriation to defray the expenses of the State Board of Health for the years 1902 and 1903.

S. B. No. 26, An Act to establish a State Department of Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties, and for the issuing of future publications of the Mississippi Historical Society.

S. B. No. 63, An Act to authorize Boards of Supervisors to hire laborers to work on county farms being worked by convicts, in certain cases of necessity.

S. B. No. 69, An Act to authorize the Board of Supervisors of Simpson County to invest its court house and jail fund.

S. B. No. 72, An Act to provide for the maintenance of the Department of Archives and History, and to aid the Mississippi Historical Society in issuing its future publications and distributing same.

B. W. SHARBOROUGH, *Chairman*.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution to-wit:

S. B. No. 73, An Act to provide for the payment of interest due on the original seminary fund and the 1894 land grant fund, for the support of the University of Mississippi for the years 1902 and 1903.

S. B. No. 85, An Act entitled An Act to appropriate money to defray the expense incident to investigation of penitentiary affairs, as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee, and of Sergeant-at-Arms for service of process issued by said committee, compensation of stenographer employed by said committee, and payment of incidental expenses incurred and to be incurred by said committee, approved February 13, 1902, so as to authorize and provide for payment of all lawful expense incurred by said committee.

B. W. SHARBOROUGH, *Chairman*.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 171, An Act to appropriate the interest due the Alcorn Agricultural and Mechanical College and to provide for its expenditure by the Board of Trustees.

Do pass; title sufficient.

BRADLEY, *Chairman*.

Mr. Bradley called up the bill just reported by Finance Committee, viz.:

H. B. No. 171, above set out, and moved that the Senate proceed towards its consideration out of order.

Mr. Farley made the point of order that the bill could not be considered without a suspension of the rules on this, the same day the bill was reported, which point was sustained by the Chair.

The Chair announced the appointment of Messrs. Falkner and Greaves on the Committee on Contingent Expenses, to fill vacancies thereon.

Mr. Dent of Sixteenth District called up S. B. No. 89, An Act to provide for the better enforcement of the anti-trust laws of this State.

President *pro tem*. Kiger in the chair.

Pending consideration of the foregoing bill the rules were suspended for

REPORTS OF STANDING COMMITTEES OUT OF ORDER.

Report of Committee on Judiciary:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bill referred to it, and has instructed me to report it back with the following recommendations:

H. B. No. 36, An Act to require the several State officials hereinafter named to make guaranty or surety bonds, and to fix the penalty of the same, and to provide for the payment of the premiums on such bonds out of the State treasury, and to repeal all laws in conflict herewith.

Title sufficient; bill do pass with committee amendments.

R. B. CAMPBELL, *Acting Chairman.*

Report of Committee on Local and Private Legislation:

MR. PRESIDENT: The Committee on Local and Private Legislation has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

H. B. No. 75, An Act to authorize the Board of Supervisors of Amite County to transfer money from the common county fund to the school fund.

H. B. No. 169, An Act to make an appropriation to pay L. Cullen, Tax Assessor of Lafayette County commissions due for assessing property which had escaped taxation.

H. B. No. 172, An Act to appropriate \$225 out of the State treasury to pay Dr. E. L. Irby, County Health Officer of Tunica County, for medical services rendered in the smallpox epidemic in Tunica County during the years 1897 and 1898.

Titles sufficient; and that the bills do pass, for in the opinion of your committee the relief sought can not be given through the courts nor advantageously provided for by general laws.

VENTRESS, *Chairman.*

Report of Committee on Education:

MR. PRESIDENT: The Committee on Education has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 106, An Act to amend Section 4017 of the Annotated Code of 1892 relating to examinations of teachers.

Title sufficient; bill do pass.

LOONEY, *Acting Chairman.*

At 5.50 P. M., on motion of Mr. Kiger, the Senate adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary.*

THIRTY-NINTH DAY.

THURSDAY, February 27, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names :

Present — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, George, Greaves, Heard, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 39.

Absent — Messrs. Crawford, Gardner, Hicks, Key, Martin, and Young — Total, 6.

On motion of Mr. Ventress, the reading of the journal of yesterday was dispensed with, and the same stood approved.

Mr. Ventress called up H. B. No. 75, An Act to authorize the Board of Supervisors of Amite County to transfer money from the common county fund to the school fund.

On motion of Mr. Ventress, the bill was read a third time and passed by the following vote, viz. :

Yeas — Messrs. Abbay, Bailey, Bradley, Broyles, Clinton, Dent of Fourth District, Evans, Falkner, George, Greaves, Heard, Hinton, Hughes, Kiger, McGehee, Moore, Sanders, Seawright, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 23.

Nays — Messrs. Campbell, Chrisman, Dent of Sixteenth District, Shelton — Total, 4.

Absent and those not voting — Messrs. Adams, Cayce, Cooper, Crawford, Dulaney, Dunn, Farley, Gardner, Hicks, Jones, Key, Looney, Martin, Noel, Rowan, Sharborough, Sheppard, and Young — Total, 18.

Title standing as stated.

Mr. Falkner called up H. B. No. 169, An Act to make an appropriation to pay L. Cullen, Tax Assessor of Lafayette County, commissions due for assessing property which had escaped taxation.

On motion of Mr. Falkner, the bill was read a third time and passed by the following vote, viz. :

Yeas — Messrs. Abbay, Adams, Bailey, Cayce, Chrisman, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Evans, Falkner, Gardner, George, Greaves, Heard, Hinton, Hughes, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 34.

Absent and those not voting — Messrs. Bradley, Broyles, Campbell, Crawford, Dunn, Farley, Hicks, Jones, Key, Martin, and Young — Total, 11.

Title standing as stated.

Mr. Shelton called up H. B. No. 171, An Act to appropriate the interest due the Alcorn Agricultural and Mechanical College, and to provide for its expenditure by the Board of Trustees.

On motion of Mr. Shelton, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Evans, Falkner, George, Greaves, Heard, Hinton, Hughes, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 35.

Absent and those not voting — Messrs. Crawford, Dunn, Farley, Gardner, Hicks, Jones, Key, Martin, Sharborough, and Young — Total, 10.

Title standing as stated.

Mr. Looney called up H. B. No. 78, An Act to amend Section 4043 of the Annotated Code of 1892, so as to change the time for the opening of the winter and summer schools.

On motion of Mr. Looney, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, George, Greaves, Heard, Hinton, Hughes, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 37.

Absent and those not voting — Messrs. Crawford, Farley, Gardner, Hicks, Jones, Key, Martin, and Young — Total, 8.

Title standing as stated.

REPORT OF COMMITTEE OF CONFERENCE.

MR. PRESIDENT: The Committee of Conference appointed by the Senate and House has had under consideration the following bill referred to them, and have instructed me to report to them with the following recommendation, viz.:

That the House concur in the Senate amendment to H. B. No. 109, which is as follows: Amend Section 1 to read, after the word "at," in line 2, as follows: "six mills on the dollar for the year 1902, and at six mills on the dollar for 1903."

That the House also concur in Senate Amendment No. 2, as follows: Amend Section 1 by striking out, in lines 19, 20, and 21, the words, "All its property of any sort constituting the assets of the bank not including its real estate," and by inserting in lieu

thereof the following words: "the value of such shares, augmented by the accumulations, surplus, and unpaid dividends, and exclusive of the real estate of the bank."

House concurs in Amendment No. 3, as follows: Amend Section 2 by inserting after the words "outstanding county warrants," in line 12, the words, "or to build public roads, pikes, or other public works."

House concurs in Senate Amendment No. 4, as follows, viz.: Amend Section 2 by striking out the words "but the whole amount levied shall not exceed 16 mills," in lines 8 and 9, and by inserting between the word "works," in the amendment, and the word "or," in the twelfth line of the bill, the following words: "But the whole amount levied for all purposes herein provided for, including the State tax, shall not exceed sixteen mills."

JOHN W. T. FALKNER,
Chairman on part of Senate.

J. B. EVANS,
Chairman on part of House.

Mr. Ventress called up H. B. No. 172, An Act to appropriate \$225 out of the State Treasury to pay Dr. E. L. Irby, County Health Officer of Tunica County, for medical services rendered in smallpox epidemic in Tunica County during the years 1897 and 1898.

On motion of Mr. Ventress, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, George, Heard, Hinton, Hughes, Jones, Looney, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 36.

Absent and those not voting — Messrs. Bradley, Gardner, Greaves, Hicks, Key, Kiger, Martin, Seawright, and Young — Total, 9.

Title standing as stated.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

Report of Committee on Judiciary:

MR. PRESIDENT: The Committee on Judiciary has had under consideration the following bill referred to it, and has instructed me to report it back with the following recommendations:

H. B. No. 170, An Act to amend Section 622 of the Annotated Code of 1892, in relation to the time of holding the Circuit Courts in the Third Judicial District, so far as it relates to DeSoto County.

Title sufficient; the bill do pass.

R. B. CAMPBELL, *Acting Chairman.*

Report of Committee on Railroads and Franchise:

MR. PRESIDENT: The Committee on Railroads and Franchise has had under consideration the following bill referred to them, and has instructed me to report it back with the following recommendations:

H. B. No. 115, An Act to amend Sections 3885 and 3886 of the Code of 1892, and constituting the Railroad Commissioners assessors of telephone property in this State.

Title sufficient; the bill do pass.

L. C. DULANEY, *Chairman*.

Mr. McGehee obtained consent to a suspension of the rules for consideration out of order of H. B. No. 115, An Act to amend Sections 3885 and 3886 of the Code of 1892, and constituting the Railroad Commissioners assessors of telephone property in this State.

On motion of Mr. McGehee, the rules were suspended, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, George, Heard, Hinton, Hughes, Jones, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 37.

Absent and those not voting — Messrs. Bailey, Crawford, Gardner, Greaves, Hicks, Key, Martin, and Young — Total, 8.

Title standing as stated.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

Senate Joint Resolution No. 3, Memorializing the Congress of the United States to appropriate money to deepen and complete the Ship Island Harbor.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the resolution read by its title, and signed the same, calling the attention of the Senate thereto.

Supplemental Report of Special Joint Committee to investigate penitentiary affairs:

The Joint Committee appointed at the 1900 session of the Legislature to investigate penitentiary affairs, submitted the following supplemental report, viz.:

To His Excellency A. H. Longino, Governor, and to the Legislature of the State of Mississippi.

In accordance with the suggestion of the Senate, as contained in its Resolution No. —, adopted on the — day of February,

1902, your committee charged with the duty of investigating and reporting upon the conduct and management of the penitentiary affairs, etc., begs leave to now submit this, its supplemental report:

Your committee respectfully shows that almost continuously since the adoption of Concurrent Resolution No. 8, directing that the said investigation be continued, much time and attention has been given thereto; many witnesses have been examined, and during the greater portion of that period the several members of the committee have devoted their time and labor almost exclusively to the discharge of the duties imposed upon them, frequently holding morning, afternoon and night sessions, and seldom adjourning before eleven o'clock at night.

The Warden has called many witnesses, and your committee has given a patient and protracted hearing to all witnesses so called. His Excellency the Governor, and other members of the Board of Control, and the Warden, have also appeared and been heard. By far the greater portion of our time has been given to the hearing of the witnesses and parties mentioned, and the committee, because of its earnest desire to avoid even a seeming injustice, has permitted the greatest latitude, even to the extent of largely burdening the records with much testimony, which is both irrelevant and incompetent.

Your committee has been criticised because of the seeming long delay in making its former or first report, and in not earlier filing the same with His Excellency the Governor. It is but fair and just that attention be called to the fact that originally there was appropriated only \$500 for the payment of the expenses incident to the investigation demanded, including per diem of members of the committee, stenographers' fees, account of expert accountant, cost of printing report, and all other expenses.

We have had no funds with which to pay witnesses or cost of service of process, and consequently your committee was compelled to itself seek the witnesses, rather than issue subpoenas and compel attendance, and in that way the work of the committee was both greatly delayed and limited.

Because of the limited appropriation referred to, your committee could not hold as frequent or as protracted sessions as was necessary, and its work was unavoidably abridged and delayed.

For the reasons given, the report submitted the first day of the present session was not concluded and signed more than thirty minutes before it was submitted to His Excellency the Governor, and to this Legislature.

Your committee makes this statement by way of explanation, and in reply to criticisms made because its first report was not earlier prepared and filed with the Governor.

First.—Your committee deems it proper to declare that in its former report it nowhere charged or intended to charge that any officer or employee of the Board of Control had diverted or misappropriated any funds belonging to the State, and it now gives us

pleasure to further report that our continued investigation has nowhere disclosed any such misappropriation, or any failure to promptly and fully account for said moneys, except as hereinafter specifically set forth. Yet, in the opinion of your committee, the evidence discloses much that can not be approved, and which demands a radical change in the management of the large and important interests intrusted to the Board of Control.

Second.— Your committee further reports that its findings, as shown by its former report, are reiterated and reaffirmed, except as hereinafter expressly modified or withdrawn, and we respectfully invite attention to other and additional items or matters hereinafter fully set forth, and which, in our opinion, merit condemnation and correction.

Third.— Your committee reports that any modifications of findings heretofore reported, as well as any withdrawal of any such findings, are induced and warranted almost wholly by reason of proof adduced and offered since the making of our former report herein, which said proof could never have been secured except for this investigation, the same being in a large measure absolutely confined to the personal knowledge of a few men who are fortunately yet living and almost entirely independent of any information that can be secured from the books or any records in the office of the Board of Control.

Fourth.— Your committee finds no reason whatever to alter or modify its former finding declaring that “the books of the Board of Control have been kept in a manner far from satisfactory,” and we further report that such unsatisfactory conditions still exist.

It is, in the opinion of your committee, impossible for any bookkeeper or accountant, however expert he may be, to take the books and prepare therefrom an accurate statement showing the true condition of the financial department of the Board of Control, and correctly listing its assets and liabilities. With this prefatory statement, the following clauses, found on page 4 of printed report heretofore made, to-wit: “It is impossible, even with the most careful and long continued examination of the books, to ascertain with any degree of accuracy whatever, the results of the former operations of the Board of Control. Sales of cotton, cotton seed and grain are entered in gross amounts, with nothing whatever to show the quantity sold, to whom sold, or price per pound, bushel, or ton received, except in isolated cases. Detailed statements or accounts of sales were called for, but neither the bookkeeper nor the Board of Control could produce same.” Should be and are withdrawn. When engaged in the examination of the books, your committee requested both the Secretary and Mr. McClelland (Mr. McClelland being a convict who has long been engaged in assisting in keeping the books, and who impressed your committee with the conviction that he was more familiar with and knew more about the books than any other person), to produce the account of sales for cotton and cotton seed, and we were then informed by the Secretary and by his said assistant, that such accounts of sales

could not be then produced, because of the fact that they had been packed in boxes and sent to Oakley for safe keeping, though the sergeant at Oakley has since advised members of your committee that there are not now, and never have been any accounts of sale or other papers sent to or deposited at that place.

This fact, coupled with the sworn statement of Mr. J. J. Evans, former Secretary (see printed report, page 85, *et seq.*), warranted, as your committee thought, the charge now withdrawn, which withdrawal is because of the fact that many, though not all, of such accounts of sales made during the last two years have been found on file in the Secretary's office.

Your committee can not yet say to what extent there was a failure to file accounts of sales for cotton and cotton seed, nor can we now fix the period during which such failures existed, but such information may be hereafter secured.

It is true, as heretofore reported, that large quantities of corn are annually sold by the Warden with no showing whatever relative to such sales, excepting as the Warden may see proper to enter upon his cash book, which entries are often most meager.

The finding of your committee heretofore reported concerning compensation received for convict labor (see page 4, printed report), is fully sustained by the evidence, though the Warden, not denying that the books and records are absolutely silent on the subject, now explains that much of such labor to which the books make no reference whatever was paid for by the use of lands so cleared for one year free of rent.

Nevertheless, it is true that large tracts of land have been cleared by convict labor, for which the State received no compensation in so far as can be discovered from the books and records of the Board of Control; and, in the opinion of your committee, granting that the explanation is correct, the State has never, under any circumstances, received for such work anything approximating fair and just compensation. The labor here referred to as having been performed by the convicts, and about which the books and records are absolutely silent, was performed during the years 1896-1899, inclusive.

Your committee, therefore, declines to in any manner modify its former report touching convict labor and the past and present system of bookkeeping, in reference to same, but insists that such report is fully and thoroughly sustained by all the proof adduced.

We repeat that in many entries touching labor performed by convicts, the books show only amounts reported collected, and plantation entitled to credit, and that the Board of Control can verify such entries or reports — can ascertain when, where, and for whom such labor was performed, nature of contract, quantity of work done or land cleared, number of convicts employed, length of time convicts so engaged and expenses to the State incident to transportation, maintenance and guarding convicts — only by finding and examining witnesses who may be familiar with the matter, if, indeed, such parties can be found.

In so far as your committee is advised, all sums collected for labor performed by convicts, corn and timber sold — excepting as hereinafter shown — have been promptly and properly accounted for, but your committee insists that the system adopted and pursued by both the present Board of Control and its predecessors, in so far as the same relates to reports of money collected and paid in for corn sold, timber sold, and labor performed by convicts, renders verification well nigh, if not absolutely, impossible, opens wide the door for fraud and speculation, and demonstrates beyond all question that a dishonest Warden may, if he so chooses, safely and without fear of detection, annually rob the State of thousands of dollars.

The books show no separate convict labor account, no separate corn account, no separate timber account, though thousands of dollars are handled annually by the Warden from each of these sources, and it is impossible to even approximate the sums so received during any given year or period, except by examination of the Warden's cash book item by item, and page by page, or by examination of the several plantation accounts separately, and securing them from all credits embracing such items.

The Warden annually pays very considerable sums in the way of exchange on drafts and checks; what amount such payments aggregate annually can be ascertained only by examination of the cash book, item by item, and page by page.

Fifth.— It is possible that your committee may have been in error relative to double credits, as charged in paragraph 2 of its former report (see printed report, page 5), but of this we can not say positively until we have received and examined the report of the expert accountant employed, and now examining the books, but we find that the inventories are by no means always correct, and do not always give a full and correct statement of the property belonging to the State and chargeable against the Board of Control, and as an illustration we cite the fact that the inventory made and returned in February, 1900, did not in any way show or embrace or include cotton and cotton seed then held by the Board of Control. Whether or not the Board then held any cotton seed belonging to the State, we have as yet been unable to ascertain, but it is clearly shown and admitted that several hundreds of bales of cotton were then held, much of which was not sold or accounted for until the following August and September, yet no part of such cotton was in any way alluded to or embraced in the said inventory.

The Warden testified that all of said cotton was purposely omitted from said inventory because of the fluctuation in value of same and the difficulty found in placing true values thereon, yet this difficulty seems to have been readily overcome by the appraisers taking the next succeeding inventory.

We submit that every inventory should show all property with which the Board of Control is chargeable; otherwise such inventories do not give a true and correct showing of the property be-

longing to the State, and for which the Board of Control is responsible. Whether or not this complaint can be made of inventories other than the one named, your committee can not yet say.

Sixth.— Referring again to the matter of the clearing of the Parchman or Tubbs land, heretofore reported (see printed report, page 6), we have to say: The fact has been established beyond all doubt that the title to this land was in Warden Parchman's and his son-in-law, Mr. C. L. Tubbs, as tenants in common at the time of the clearing of same by the convicts, and that it so remains even now, in so far as is shown by the records of the county in which such lands were located. According to the sworn statement of the Warden, the undivided one-half interest, which he then owned in said lands, has been since conveyed to his daughter, Mrs. C. L. Tubbs, and the Warden further testifies that he contracted with said son-in-law for the clearing of said lands by State convicts at \$3 per acre, not knowing at that time that he was, as shown by deed, a joint owner with his son-in-law, but believing that the title of the said lands were vested in Mr. Tubbs alone, and that soon thereafter he conveyed his said interest in said lands to his said daughter.

We find further that, on September 23, 1901, the Warden paid and accounted for \$300 in partial settlement of amount due the State on account of this work, and that for such work there is still due and unpaid, as admitted by the Warden, the further sum of \$225. The Warden testifies that after the payment of the \$300 above named, he reported to the Board that, with convict labor, he had cleared the lands belonging to his son-in-law, and that he had paid in \$300 on account of same, and would collect and account for the balance due as soon as said lands were measured and such balance was ascertained; further, that the said balance was ascertained by actual survey made prior to December 25, 1901, and that the said balance has been in the bank subject to his check for thirty days or longer, but will not be reported, accounted for, or paid in until the pending investigation has been closed.

Seventh.— Continued investigation tends to verify the charge made in our former report relative to large losses in cotton seed, but it has been shown that such losses were sustained principally in 1898, and that losses from that source have been small since that year. It is further shown that such loss is attributed principally to the rotting of the seed.

In reference to sales on long credits and in reference to verbal contracts, heretofore referred to (see printed report, page 8), we deem it our duty to further report that the verbal contracts referred to in our former report were made prior to 1900, and that all contracts made by the present administration for the renting or cultivation of lands have been reduced to writing, and that also the long credit sales complained of were made prior to the year 1900,

and that since that date there have been no credit sales in so far as your committee has yet learned, except hereinafter stated.

Eighth.— Referring to the matter of convict labor on Y. & D. R. R. (see printed report, page 9), we have to further report that such work was performed in 1898, and that on the 16th day of February, 1899, the sum of \$1,500 was reported and paid in full settlement of and for such work. The entry of said payment of \$1,500 has been pointed out to us by some members of the Board of Control or Warden, as it is shown in the Warden's cash book, which said entry is as follows: "February 16, 1899. Check on E. A. Shedd, Home Insurance Building, Chicago, drawn by Chester H. Pond, Morehead, Miss., for convict labor on railroad, credit sundry places, \$1,500."

There is nothing whatever on any of the ledgers of the Board of Control for any year by which this item might have been found or traced, excepting only that the said ledgers for 1899, 1900 and 1901, show that one Chester H. Pond has to his credit with the said Board the sum of \$1,500. Such showing is utterly and entirely in error, and the books nowhere contain any charge or entry of any kind to balance the said credit, nor is it otherwise explained in any way by the said books.

The said credit of \$1,500 was entered upon the ledger of 1899, and has been continuously brought forward as a credit since that date, and so appears on the ledger of 1901. The books nowhere show any charge whatever against any one for said work on said railroad, and said entries on said cash book and on said ledger throw no light whatever upon the matter.

Your committee could have found the entry on cash book showing the said payment of \$1,500 only by carefully examining the said book item by item, and page by page, there being nowhere upon any of the books of the Board anything whatever to guide one in searching for same. There is nowhere any charge for the said work, and the ledger account showing \$1,500 due the said Chester H. Pond is absolutely incorrect and misleading.

The books of the Board of Control to-day show that the Board is indebted to said Pond in the sum of \$1,500, when in truth and in fact there is nothing whatever due or owing to him.

It is shown by the evidence that the labor required of the convicts in this matter was largely of an exceedingly severe nature, such as free labor would not perform, and from the evidence of Maj. J. D. McInnis — then and now a member of the Board of Control — it is shown that something over \$2,000 was due the State on account of such work, but that the said member of the Board accepted the said sum of \$1,500 in full settlement — remitting something over \$500 justly due the State, because he feared that the railroad contractors were in failing circumstances financially, and that the entire sum due the State might be lost if full payment was insisted upon.

There are also on the ledger many unbalanced accounts which have long since been fully settled, but which still show large balances due to or from the Board. With such bookkeeping, it is impossible for even an expert to prepare a true balance sheet; such incorrect accounts erroneously adding largely to both the assets and liabilities, as shown by the books. We therefore say that it is impossible to secure from the books of the Board of Control a true and correct statement as to assets and liabilities.

In connection with this, we refer to the fact that demands for settlement and payment of accounts which the Board claimed to be due, and which were shown by its books to be due, have been met and refuted by the party against whom the charge was made, by the production of properly endorsed checks which had long prior been given and accepted in settlement of such items, but had not been properly credited on the books.

Ninth.—Your committee further draws attention to the fact that during the fall of 1900 and during all of the year 1901, a number of county convicts who had been convicted of misdemeanors and sentenced to payment of a fine and imprisonment in the county jail, were worked upon one of the plantations cultivated by the State, in common with the State convicts, being clad in stripes and being guarded by the same guards who had charge of the State convicts, and being fed and maintained from the same sources as were the State convicts. It is true that the State received one-half of the proceeds of the labor of such county convicts, but we submit that such action, all of which was well known to the Warden, but at no time reported to the Board of Control, was improper and merits censure.

Tenth.—We respectfully further report that during the month of January, 1901, the Warden shipped to Aberdeen, Miss., from Belmont Plantation, a car load of corn, and that there was never made upon the books of the Board of Control any entry whatever of such sale or shipment—nor was the same in any manner reported to the Board of Control until the —— day of January, 1902, more than a year after the date of such shipment, when for the first time and upon said last named date, and after your committee had caused a subpoena *duces tecum* to be served upon the railroad agent at Tchula, that being the point from which such corn was shipped, the said sale was first reported and accounted for.

This sale had never been reported, nor in any manner accounted for until after the expiration of an entire year, as above stated. While, after the lapse of more than one year, this corn sold was eventually reported and accounted for. We cite this as tending to show and prove how loosely these important interests have been guarded and managed, and how readily and safely a dishonest Warden may appropriate thousands of dollars belonging to the State, if he so elected.

We respectfully submit that in this instance the plain provisions of law were inexcusably violated, and we further insist that the

direct provisions of the law were further violated in the clearing of the Parchman-Tubbs lands, before referred to (see Sections 3190-3204, Code of 1892).

To the end that no possible injustice may be done the Warden, and for the purpose of giving his explanation in full, we here quote his sworn statement relative to the shipment of this corn and accounting for proceeds of same.

Q.— Captain, on page 110 of the petty cash book, under date January 16, 1902, I find the following item: "Received from J. A. Johnson, for 322 bushels of corn, at 50c. per bushel, on the Belmont place, \$161.00." From what place to what point was that corn shipped, and when was the shipment made?

"Mr. Johnson is ex-Sheriff of Monroe County, and resides about nine miles from Aberdeen on his plantation. He is absolutely gilt-edged in all his financial transactions. Some time in the spring of 1901, I sold Mr. Johnson what I thought to be 200 bushels of corn, at more than the prevailing price of that day. When he measured the corn out, he reported to me the amount of corn, as shown by this entry, to-wit: 322 bushels, for which he paid me \$161, at 50 cents per bushel. This represents briefly the whole transaction. The corn was shipped from Belmont Plantation, near Tchula, to its destination, Aberdeen, Miss. I want to say, further, that notwithstanding 1900 was the wettest year known to my experience in farming, we made on the Belmont Plantation a surplus of corn, a part of which is represented in this sale."

Q.—And if this corn was sold to Captain Johnson in the spring of 1901, how did it happen that it was not paid for, as shown by the petty cash book, until January 16, 1902?

A.— For the reason that for the last three years I have not spent exceeding three days in the month at my home in Aberdeen. Mr. Johnson living nine miles in the country, it was not convenient for me to see him, and knowing him to be absolutely responsible, I never pressed a settlement.

• *Eleventh.*—We find further, that on or about the ——— day of ———, Governor Longino, *ex officio* President of the Board of Control, purchased from the Warden, and had shipped to his plantation in Tallahatchie County, a car load of hay and a car load of corn, belonging to the State. While the evidence shows affirmatively that in this instance neither the Governor or the Warden intended any wrong whatever, that the purchaser promptly paid the full market value for the products purchased, that the State sustained no loss whatever, and that the entire transaction was entirely open, without concealment, and absolutely wanting in any intentional wrong, being conducted in all respects exactly as if the Warden had been making such sale to some one wholly disconnected with the Board of Control, and conceding, as we do, that the proof shows affirmatively that neither the Governor or the Warden were guilty because of this sale and purchase of any

moral wrong, yet we condemn the transaction as being against public policy and as being prohibited by law (See Code 1892, Section 3190.)

Twelfth.— The proof further shows that at some date during the year 1901, the Board of Control determined to employ an Assistant Secretary, and that Mr. Henry Yerger was awarded such position, at a salary of \$60 per month, with the understanding and agreement, as he himself testified, that only a portion of his time would be required by the Board, so that he might have sufficient time to also keep up and discharge his duties as the paid correspondent at Jackson for the *Commercial Appeal*, a newspaper published in Memphis, Tennessee. We find that Mr. Yerger retained his said position as Assistant Secretary for only a few weeks, and that during such time he, with the full knowledge and consent of the Board of Control, was also in the employ of said newspaper as its paid correspondent, and we respectfully declare that such double employment was absolutely in violation of law. (See Code 1892, Section 3191.)

Thirteenth.— It has been developed that during the year 1899, the Board of Control cultivated, among other places, on the share system, the Forked Deer place, in Sharkey County; it is further shown that the Board had become somewhat dissatisfied with the results of the farming operation on that place, and were seriously considering the advisability of declining to contract to cultivate that property during 1899, when the owner offered, as an inducement, to guarantee that the State would and should receive for its share 250 pounds of lint cotton from each and every acre of said place planted in cotton. The Board promptly accepted such guarantee, and contracted to cultivate the said place on the share system during the year named; yet we find that, notwithstanding such guarantee, demanding that the largest possible acreage be planted in cotton, nevertheless about three-eighths of all said lands were, during said year, planted in corn, and in that year the State derived but little benefit from the advantageous terms named, and failed to realize, as should have been done. It is true that the State realized a handsome sum from the cultivation of said lands during the said year, but we condemn the singular and indefensible course pursued whereby the State's profits and collections were largely decreased.

Fourteenth.— Your committee further reports that when the books were examined by us, during the summer of 1901, it was found that a large portion of the crops of 1900 were still on hand and unsold, and your committee could not and did not, therefore, fully investigate and report upon the management and results for the year 1900.

Fifteenth.— Your committee further reports that it has employed an expert accountant and bookkeeper, who is now examining the books of the Board of Control, and who will make his report thereon at an early date. Such examination has not been

concluded prior to this date, because of the fact that all said books were necessarily before the committee during the examination of the many witnesses called, and the said accountant was compelled to delay his work until the examination of witnesses had been concluded. The said accountant's report will be filed as soon as possible, and we invite a careful examination of same.

As hereinbefore stated, the evidence is very voluminous, and even yet the stenographers employed by your committee have not been able to transcribe and typewrite all of the same. All such evidence will be filed as may be directed, at the earliest possible moment.

Sixteenth.— Your committee, now repeating its various recommendations made and contained in its report submitted the first day of the previous session, respectfully tenders this, its supplemental report, and asks that the same be filed and considered.

Respectfully submitted, this February 26, 1902.

E. H. MOORE,
Chairman,

R. F. ABBAY,
J. W. HEARD,
E. N. THOMAS,

Chairman,

J. D. STENNIS,
E. R. WREN,
S. W. JONES,

Secretary Joint Committee.

N. B. CRAWFORD,

Signs for the Senate, by whom he was appointed.

Not having heard all the evidence which has been taken at the present session, I am not prepared to endorse fully all that is said in this report, but from what I have heard of the evidence which has been taken at this session, I believe that, in the main, the report is fair and just.

A. F. GARDNER.

On motion of Mr. Adams, the foregoing report was made the special order for 3 P. M. to-day.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bill, and now present it for your signature, to-wit:

S. B. No. 1, An Act to repeal all of Chapter 105 relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations for State, district, county district, and county officers to be made by primary election.

B. W. SHARBOROUGH, *Chairman.*

Mr. Abbay filed the following protest against the affixing by the President of the Senate of his signature to the foregoing S. B. No. 1, above set out.

To the Hon. James T. Harrison, President of the Senate, and to the Senate of the State of Mississippi.

MR. PRESIDENT: I most earnestly protest against your signing Senate Bill No. 1, entitled An Act to repeal all of Chapter 105 relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations for State, district, county district, and county officers to be made by primary election, for the reason that it is in violation of Section 65 of the Constitution. On February 25, 1902, the Senate being then in session, this bill, with amendments thereto by the House of Representatives, came up for consideration. Among other amendments by the House was one to Section 9 of said bill, amending said section as to time when persons shall be eligible to participate in primary elections, on which amendment I voted "aye," and immediately thereafter, and while the bill was yet pending, entered motion to reconsider the action of the Senate whereby such amendment was concurred in and adopted as a part of the bill.

The Senate, after non-concurring in some of the amendments of the House and concurring in the others, desired to send said bill, with all amendments, immediately to the House for its action. I dissented thereto, and most earnestly protested that it was in violation of law, and rights given me under the Constitution. Said bill, with the amendments thereto, were by the Senate sent immediately to the House, notwithstanding my protest, and the ruling of the President *pro tempore*, the then presiding officer. I do now object and protest against the signing of said bill by the presiding officer of the Senate, and request that this, my protest, be entered at large upon the journal of the Senate.

R. F. ABBAY,
State Senator, Thirty-fourth District.

The President announced, that as he understood it, "it was not his function to pass upon the question involved in the protest; that was for the courts; but that as he understood it, it was his official duty to affix his signature, without reference to his views on the matter. That if the Senate should pass a resolution requesting him to temporarily withhold his signature in order to look into a bill, that he would do so, but that it was the province of the Governor to pass upon such questions as were raised by the protest, when the Senate had refused to do so, and that the Governor was allowed five days for just such purposes, wherein the President of the Senate did not have five minutes. Besides, the bill did not become a law until the Governor signed it, hence the signature of the President was only formal. My act is only ministerial. The veto power is vested in the Governor."

Whereupon the President suspended all business, had the bill above referred to, viz.: S. B. No. 1, read by its title, and signed the same, calling the attention of the Senate thereto.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the matter pending at the hour of adjournment on yesterday, being S. B. No. 89, An Act to provide for the better enforcement of the anti-trust laws of this State.

Mr. Dunn moved the indefinite postponement of the bill.

Mr. Greaves moved to adjourn till 3 o'clock this afternoon, which motion was lost by the following vote, viz.:

Ayes — Messrs. Abbay, Bradley, Clinton, Cooper, Dent of Fourth District, Dulaney, Evans, Falkner, Gardner, Greaves, Heard, Hughes, Kiger, Moore, Shelton, Sheppard, Taylor, Wharton, Wilson — Total, 19.

Nays — Messrs. Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dunn, Farley, George, Hinton, Jones, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Yarbrough — Total, 21.

Absent and those not voting — Messrs. Hicks, Key, Martin, Ventress, and Young — Total, 5.

Mr. Dunn called the previous question upon the postponement of the bill.

The call was sustained, whereupon the motion to postpone resulted in a tie vote, as follows:

Ayes — Messrs. Abbay, Bradley, Clinton, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Heard, Hughes, Kiger, McGehee, Rowan, Shelton, Sheppard, Taylor, Wharton, Wilson — Total, 20.

Nays — Messrs. Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Sixteenth District, Farley, Greaves, Hinton, Jones, Looney, Moore, Noel, Sanders, Seawright, Sharborough, Yarbrough — Total, 20.

Absent and those not voting — Messrs. Hicks, Key, Martin, Ventress, and Young — Total, 5.

The Chair cast the deciding vote — against postponement of the bill.

Whereupon the Chair obtained unanimous consent to explain his action, which was as follows:

I voted against the indefinite postponement of the bill because I am opposed to all forms of combines and trusts. I am in favor of corporations formed for the purpose of developing the resources of Mississippi, but they should be under proper legal control.

JAMES T. HARRISON.

Thereupon the bill was considered engrossed, read a third time, and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Sixteenth District, Dunn, Farley, Greaves, Hinton, Jones, Looney, Moore, Noel, Sanders, Seawright, Sharborough, Ventress, Yarbrough — Total, 22.

Nays — Messrs. Abbay, Bradley, Clinton, Dent of Fourth District, Dulaney, Evans, Falkner, Gardner, George, Heard, Hughes, Kiger, McGehee, Rowan, Shelton, Sheppard, Taylor, Wharton, Wilson — Total, 19.

Absent and those not voting — Messrs. Hicks, Key, Martin, and Young — Total, 4.

Title standing as stated.

EXPLANATION OF VOTE.

Mr. Noel obtained consent to spread upon the journal the following explanation of his vote:

In explanation of my vote, cast in support of S. B. No. 89, I desire to state, as I have stated to the Senate, that this bill is purely irremedial, imposing no penalties, and merely providing a means for putting laws now on the statute book into operation. It gives jurisdiction to the courts of each county in which an offense is committed, or in which one of the joint offenders is domiciled. If this bill be passed, the remedies for enforcing the law will enable the Attorney General to punish its violators. If it be passed, I have information deemed by me entirely reliable, which I will furnish the Attorney General, and which, in my opinion, will establish the following facts in relation to a trust or combination of the cotton oil mills.

That, on the 29th day of August, 1901, in the city of Memphis, Tennessee, there was formed a cotton seed oil mill trust. At the time of this meeting, or convention, there were fifty-three cotton seed oil mills in this State, exclusive of a few so situated as not to be considered of enough importance to be taken into consideration. Of these fifty-three mills, a large number were represented at this meeting, which formed the rules, etc., and immediately afterwards the remainder of the fifty-three mills, with the exception of the Belzoni Oil Mill, came into the combination. At this meeting, the trust elected as president a Vicksburg oil mill man, and as treasurer, Mr. A. G. Perkins, of Memphis. The treasurer's salary was fixed at \$2,500 a year. The chief office is in Memphis, Tenn.

That a membership fee of \$250 was required, thus giving the treasurer \$13,000 to start on. Each mill pays into the treasury each week ten cents per ton on its week's receipts. Each mill is prorated its share of the crop of seed, as estimated by the organization, the size, location, and former receipts of the mill governing the amount prorated. On every ton of seed received in excess to this prorate, the mill must pay into the treasury, in addition to the ten cents per ton, \$1 per ton for all excess seed. In this way, quite a sum of money is acquired above the amount required for expenses, and a sum of twenty-odd thousand dollars is set aside to

fight any mill that breaks the agreement or that is not in the combine but becomes obnoxious to it by paying the proper price for the seed, which is against the combine's business method.

That, at this meeting, a constitution was adopted, which is rigidly adhered to, a cipher code gotten up, report blanks for reporting seed received, etc. The mills are numbered from 1 to 52, inclusive, and each mill goes by this number in its correspondence such as demands secrecy. A weekly report is required of each mill. This report only shows the mill's number, and does not disclose its name or locality. The report is lettered "A," "B," "C," "D," etc., the letters indicating the route over which the seed are received. Thus, "A" means "wagons"; "B" some railroad, the I. C., for instance, every railroad and waterway being assigned a letter. The seed are reported in pounds, but only the figures show, without stating whether pounds, tons, mules, hogs, or anything else. With this report the remittance of ten cents per ton, as shown by the report, is remitted to the treasurer. When the treasurer receives all the fifty-two reports, he in turn makes a report of all the reports, without consolidating except as to totals. This report, like the weekly one, discloses nothing to one not having a key to same, except a mass of figures. This report shows the weekly receipts of each mill, its previous receipts, and receipts to date. The mills prorate the excess or deficit on the prorate, and the money each mill has remitted. In this way each mill's seed business is open to the other, as one of these reports is mailed to each mill. The treasurer sends to each mill the price it must pay for seed, and states the day it is effective. This is why all the mills maintain the same price, effective always the same date. Under a penalty of a heavy fine for violating the rules by raising the price, all the mills are kept in line on prices. This accounts for the absence of traveling seed agents who used to scour the country for seed. It also accounts for the remarkable fact that there have been no fights for seed between local or country seed agents this season.

That the combine maintains two traveling auditors, who visit each mill and check its books to see that they send in the proper reports and pay the authorized prices. The mills of the State have, until their raise in December (on account of the approaching session of the Legislature and the probable passage of anti-trust legislation, by which they could be convicted), have been paying from \$3 to \$5 per ton too little for seed. They have robbed the seed producers of the State of over 300,000 tons marketed this year.

That forty to fifty per cent profit is no small earning for an oil mill; and under no reason on earth have they the grounds to combine for self-protection. With the exception of the season of 1900-1901, when some mills lost heavily on account of the competition of new mills built on the strength of the profits of 1899-1900, there have been no losses in this business in years, but on the

other hand, from 30 to 40 per cent profit. In the year 1899-1900, there were many mills who cleared 75 per cent, and some 100 per cent.

Mr. Dunn entered a motion to reconsider the vote whereby the bill passed.

EXPLANATION OF VOTE.

Mr. Rowan made the following explanation of his vote on this measure:

I voted "nay" on the anti-trust bill mainly because it is embraced in the bill "to make a witness criminate himself," if not to endanger himself in his person, but proposes to destroy freedom of thought and character, which are God-given rights for self-preservation.

Mr. Clinton called up the House Concurrent Resolution providing for an adjournment *sine die* at 12 M., February 28th, and moved its adoption.

Mr. Dunn offered the following amendment, viz.:

Amend by inserting after the word "Mississippi," in second line, that no business be transacted after 1 o'clock P. M., February 28, 1902, and that an adjournment take place at 12 at night."

Mr. Evans offered the following amendment to Mr. Dunn's amendment, viz.:

Amend by striking out "that no business shall be done after 1 o'clock," and insert "that no business shall be done after 6 o'clock."

On motion of Mr. Dunn, the whole matter was tabled, subject to call.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT: Your second committee of conference on the disagreement of the two Houses, touching Senate amendments to H. B. No. 41, An Act to appropriate money to defray the expenses of the Legislative, Executive, and Judicial Departments of the State Government, and to pay interest on the State debt, beg leave to submit the following report:

That in lieu of the amendment adopted by the Senate, on page 3 of subdivision indicated as Judicial Department, 6th item, appropriating the sum of \$10,000, that the sum of \$8,000 for said purpose be appropriated.

That the House concur in Senate amendment appropriating \$1,500 to cover interest since July 1, 1901, on 5 per cent bonds, which have not been presented for redemption in pursuance of the call of the Governor.

A. F. GARDNER,
Chairman of Senate Committee.
T. L. LAMB,
Chairman of House Committee.

On motion of Mr. Gardner, the foregoing report was adopted, by the following vote, viz.:

Ayes — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, Greaves, Hinton, Jones, Kiger, Looney, Moore, Noel, Rowan, Sanders, Seawright, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total, 34.

Absent and those not voting — Messrs. Chrisman, Cooper, George, Heard, Hicks, Hughes, Key, Martin, McGehee, Sharborough, and Young — Total, 11.

Leave of absence from day to day was granted to Mr. Hinton.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 26, 1902.

MR. PRESIDENT: I am directed by His Excellency the Governor to inform the Senate that he has this day approved the following bills, to-wit:

S. B. No. 69, An Act to authorize the Board of Supervisors of Simpson County to invest its court house and jail fund.

S. B. No. 63, An Act to authorize Boards of Supervisors to hire laborers to work on county farms being worked by convicts, in certain cases of necessity.

S. B. No. 73, An Act to provide for the payment of interest due on the original seminary fund and the 1894 land grant fund for the support of the University of Mississippi for the years 1902 and 1903.

S. B. No. 17, An Act to make an appropriation to defray the expenses of the State Board of Health for the years 1902 and 1903.

S. B. No. 74, An Act to repeal so much of Section 2 of an Act entitled An Act to relieve the Delta Bank of Greenwood, Mississippi, from double taxation, and to return to it certain taxes overpaid (Approved March 9, 1900), as may require the Board of Levee Commissioners of the Yazoo-Mississippi Delta to pay to said bank the sum of \$643.04.

S. B. No. 75, An Act to repeal so much of Section 2 of an Act entitled An Act to relieve the Bank of Greenwood, of Greenwood, Mississippi, from double taxation, and to refund to it certain taxes overpaid (Approved March 6, 1900), as may require the Board of Levee Commissioners for the Yazoo-Mississippi Delta to pay to said bank \$492.05.

S. B. No. 76, An Act to authorize and empower the Board of Levee Commissioners for the Yazoo-Mississippi Delta to levy a tax on all privileges exercised within the said levee district.

S. B. No. 72, An Act to provide for the maintenance of the department of archives and history, and to aid the Mississippi Historical Society in issuing its future publications and distributing same.

S. B. No. 26, An Act to establish a State Department of State Archives and History under the auspices of the Mississippi Historical Society, to prescribe its functions and duties, and for the issuing of future publications of the Mississippi Historical Society.

Respectfully,

J. J. COMAN, *Private Secretary*.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 27, 1902.

MR. PRESIDENT: I am directed by his Excellency the Governor to inform the Senate that he has this day approved the following bills, to-wit:

S. B. No. 65, An Act to authorize the Yazoo & Mississippi Valley Railroad Company to acquire a portion of the line of the Southern Railway Company lying in Leflore and Tallahatchie Counties, and to abandon a part of the line so acquired, and also a part of its own line in Leflore County.

S. B. No. 85, An Act to amend "An Act entitled An Act to appropriate money to defray the expense incident to investigation of penitentiary affairs as authorized by Concurrent Resolution No. 8, and to fix the compensation of witnesses before said committee and of Sergeant-at-Arms for service of process issued by said committee, compensation of stenographer employed by said committee and payment of incidental expense incurred and to be incurred by said committee," approved February 13, 1902, so as to authorize and provide for payment of all lawful expense incurred by said committee.

Respectfully,

J. J. COMAN, *Private Secretary*.

REPORT OF COMMITTEE TO INVESTIGATE STATE OFFICERS.

JACKSON, MISS., February 27, 1902.

MR. PRESIDENT: The Committee to investigate the State officers beg leave to report that through sub-committee they have investigated the various State officers required to be investigated and submit herewith the report of the following sub-committees, to-wit:

To investigate the office of Secretary of State.

To investigate the office of Auditor.

To investigate the office of State Treasurer.

To investigate the office of State Superintendent of Education.

To investigate the office of State Revenue Agent.

To investigate the office of Land Commissioner.

To investigate the State Board of Health.

Respectfully submitted,

F. M. SHEPPARD, *Chairman*.

REPORT OF SUB-COMMITTEE FOR INVESTIGATION OF OFFICE OF SECRETARY OF STATE.

MR. CHAIRMAN: The undersigned appointed as sub-committee to investigate the office of the Secretary of State beg leave to report the performance of this duty.

We find this office in all respects kept in first class style. The receipts and expenditures fully accounted for by proper and legal vouchers, and heartily commend the honest and businesslike methods of the present incumbent, as well as those of his lamented predecessor.

Respectfully submitted,

E. A. WHITE.

H. G. JOHNSTON.

MR. CHAIRMAN: We, your committee to investigate the State Auditor's office beg leave to make the following report, after a full and thorough examination of the books of this office:

We find all books required by law in the office and the same in a neat and businesslike manner, just as the law directs; everything in place and a place for everything, and the State is to be commended for the very efficient business methods which are practiced in this office.

The fidelity and zeal that has characterized its management is a matter of great pride to the people of our State, and in the language of the inspired author, it can be said, "Well done, thou good and faithful servant." etc.

Respectfully submitted,

C. R. COCK.

A. J. BURRUS.

To the Honorable Chairman of the Joint Committee to investigate State Offices.

The undersigned committee, appointed to investigate the office of the State Treasurer, beg leave to submit the following report:

Your committee appeared on the morning of February 19, 1902, at the State treasury. The books of said office showing at the time that there ought to be \$1,136,403.97 in the vaults of the treasury, they proceeded to count the funds therein and found the amount called for by the books actually in the vaults of the treasury as per exhibit "A," which is filed herewith, and asked to be considered a part of this report.

Respectfully submitted,

JAS. B. EVANS.

H. H. RAY.

J. I. LONGEST.

J. A. E. PYLE.

C. R. COCK.

Exhibit "A."

Statement of cash on hand and in the vaults of the State treasury on the morning of February 19, 1902, at the opening of business:

General Fund.

Cash on hand February 1, 1902.....	\$1,305,112 65
Cash received in February to 18th inclusive.....	402,718 38
	<hr/>
	\$1,707,831 03
Less cash payments to February 18, inclusive....	580,063 56
	<hr/>
Cash on hand February 19, 1902.....	\$1,127,767 47

Penitentiary Fund.

Cash on hand February 19, 1902.....	\$ 8,045 95
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New Farm Account.

Cash on hand February 19, 1902.....	\$ 322 04
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Land Redemption Fund.

Cash on hand February 19, 1902.....	\$ 268 51
	<hr/>
Total cash on hand February 19, 1902.....	\$1,136,403 97

We the undersigned members of the House, certify that we have this day counted the cash and found all, as shown by the above statement, actually in the vaults of the treasury.

(Signed)

JAS. B. EVANS.
J. I. LONGEST.
H. H. RAY.
J. A. E. PYLE.
C. R. COCK.

JACKSON, MISS., February 20, 1902.

To the Honorable Chairman of the Joint Committee to investigate State Offices.

Your sub-committee appointed to investigate the office of State Treasurer during our session of 1900, incurred the following items of expense in investigating the said office, and ask that the same be paid out of the contingent fund of the House.

Railroad fare of W. W. George and Henry G. Meyer from Meridian to Jackson and return.....	\$11 70
Expense at hotel of said W. W. George and Henry G. Meyer while in Jackson at the request of the committee.	6 50
Total	\$18 20

Respectfully submitted,

JAS. B. EVANS.
H. H. RAY.
J. I. LONGEST.
C. R. COCK.

REPORT OF SUB-COMMITTEE TO INVESTIGATE THE OFFICE OF STATE SUPERINTENDENT.

MR. CHAIRMAN: The committee to investigate the office of State Superintendent beg leave to submit the following report:

We have examined the books of said officer and find them accurately kept. We have further examined the receipts and disbursements of all the moneys coming into the said office and find that the disbursements have been properly made and that there is now a small balance in the hands of the Superintendent to pay all indebtedness.

We heartily commend our present Superintendent for the efficient work he has done for the public schools of the State and think that no man could have accomplished more for the progress of education than he has done.

Respectfully submitted,

W. B. ALSWORTH.
G. E. WILSON.

REPORT OF SUB-COMMITTEE TO INVESTIGATE THE OFFICE OF STATE REVENUE AGENT.

MR. CHAIRMAN: The committee to investigate the office of State Revenue Agent beg leave to submit the following report:

We have examined the receipts, vouchers and all business pertaining to the office and find that everything is correct and all moneys received have been properly paid to the proper parties entitled to receive the same and properly accounted for. We most cordially commend the Honorable Wirt Adams, the present incumbent in said office, for efficiency and faithful performance of all duties incumbent on him.

Respectfully submitted,

R. F. ABBAY, *Chairman*.

MR. CHAIRMAN: Your committee appointed to examine the office of State Land Commissioner make report that we have performed that duty and found the Land Commissioner in the active

and faithful discharge of his duties. The work of this office up to date.

The books and papers appear to have been kept in a business-like way and we find no ground for complaint. The receipts for money paid into the treasury are on file, and the applications to purchase lands, with all papers, are in shape to be readily examined and checked up.

The recommendation made in his report to the Governor appears to have been proper and fully borne out by the record.

L. J. FARLEY, *Chairman*.

MR. CHAIRMAN: Your Committee appointed to investigate the books of the State Board of Health respectfully submit the following report, viz.:

We have carefully examined the books of said Board beginning with November 9, 1889, and checking each item of expenditures up to September 30, 1901, and we find the same to have been correctly kept, and all credits asked for supported by legal vouchers corresponding with the itemized biennial report of the Board of Health placed on the desks of the members of this Legislature.

And now, having fully reported, your committee respectfully asks to be discharged.

A. MILLER, *Chairman*.

H. G. JOHNSTON.

On motion of Mr. Sheppard the report was adopted.

RESOLUTION.

The following resolution, offered by Mr. Sheppard, was adopted, viz.:

Resolved by the Senate, That W. W. George and H. G. Meyers be, and they are hereby allowed the sum of \$7.20 out of the contingent fund of the Senate for expenses accrued on account of being requested by the committee to investigate the office of State Treasurer at the legislative session of 1900.

REPORT OF JOINT COMMITTEE TO INVESTIGATE THE RESIGNATION OF EX-TREASURER J. R. STOWERS.

MR. PRESIDENT: The joint committee to whom was referred the investigation attending the causes of the resignation of J. R. Stowers, State Treasurer, and to ascertain the names of all persons who were connected with obtaining money from the State Treasurer, or out of the State treasury otherwise than directed by law, respectfully beg to report as follows:

We have subpoenaed and examined the following witnesses, to-wit: W. Q. Cole, F. B. Neal, O. J. Waite, Wm. Anderson, C. E. Lowe, E. J. Smith and Governor A. H. Longino

Messrs. J. R. Stowers and F. T. Raiford being subpoenaed, appeared before the committee but declined to testify for the reason that there were indictments pending against them. Mr. Phil. A. Rush, being subpoenaed, did not appear, but wrote a letter to the Chairman of the committee declining to testify for the reason that there was an indictment pending against him.

Mr. L. F. Montgomery was subpoenaed and appeared before the committee but declined to testify on the ground of having been foreman of the grand jury at the recent term of Hinds County Circuit Court.

W. A. Montgomery, being subpoenaed, failed to appear before the committee.

The facts and circumstances detailed in the evidence are as follows:

The First National Bank of Jackson, Miss., had \$10,000 in silver on deposit with it, placed there by the State Treasurer to be exchanged for currency. This money was placed in the bank on the 7th day of August, 1901, and returned to the State treasury on the 16th of August following; that in the fall of 1900 the State Treasurer placed \$25,000 in currency of the State's money in the Capital State Bank of Jackson, Miss. This money was returned to the State treasury in about ten days after it had been placed in said bank. That in the spring of 1901 the State Treasurer placed \$40,000 in silver with the Merchants Bank in Jackson, Miss., to be exchanged for currency. This \$40,000 remained in said bank some two or three months before the amount of the same was returned to the State treasury, and, judging from the testimony, perhaps \$20,000 of the \$40,000 so deposited was held by said bank some six or eight months before being returned to the State treasury in currency. We find it has been the custom of the First National Bank, the Capital State Bank and the Merchants Bank of Jackson to collect checks and drafts for the State Treasurer without cost to the State, and return the amounts of same to the State treasury.

We find the different amounts collected on checks and drafts usually returned by the banks to the State treasury within ten, fifteen, twenty and thirty days from the time said checks and drafts were placed with said banks for collection. The testimony shows that no interest or other compensation was paid by any of these banks to any person for the use of the money placed with them to be exchanged, or currency placed with them or drafts and checks placed with them for collection.

We find that \$100,000 of the \$107,621.44 that was missing at the time the Governor made his count in August, 1901, of the money in the State treasury had been loaned in Memphis, being loaned through Messrs. F. T. Raiford, Phil. A. Rush and John Armistead. This money was loaned at the rate of three per cent per annum; said interest, when collected, was to be divided equally among Messrs. F. T. Raiford, Phil. A. Rush and John Armi-

stead. This \$100,000 so loaned had been brought from Memphis before the counting of the money in the State treasury by the Governor on two occasions, one time by John Armistead and the last time by F. T. Raiford.

We failed to find any trace as to the whereabouts of the \$7,621.44 at the time the Governor and Auditor Cole counted the money in the treasury in August, 1901.

We find from the evidence that there were no bonds or security in the State treasury to cover the missing \$107,621.44 at the time of the count made by the Governor; nor was there any evidence as to the whereabouts of said money at that time. We find that the banks of Jackson collecting checks and drafts and handling money for the State treasury, placed bonds, collaterals or securities with said Treasurer covering all amounts so obtained from him.

It is the opinion of the committee that Section 137 of the State Constitution intends and requires that the State's money shall be actually kept in the treasury.

The committee herewith files the evidence taken regarding the resolution passed by the Legislature requiring said investigation.

G. L. JONES, *Chairman Committee.*

T. L. LAMB.

L. J. FARLEY.

T. L. LAMB, *Secretary.*

L. S. HEMPHILL.

J. O. SMYLIE.

Mr. Moore called up H. C. R. No. 6, A concurrent resolution to appoint a special committee to investigate the Industrial Institute and College, to report to the Governor after the adjournment of the Legislature, and stated that as a Trustee of that institution he courted and demanded in its behalf the fullest and most rigid investigation, and moved the adoption of the resolution and the appointment of a committee of three, who would fearlessly and fully investigate the institution.

Pending consideration of the foregoing resolution, the Senate at 1.40 P. M., on motion of Mr. Adams, took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 P. M. by President *pro tem* Kiger, a quorum being present.

UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the matter pending when a recess was taken this forenoon, viz.: H. C. R. No. 6, above set out.

Mr. Rowan moved the adoption of the following resolution, offered by himself, viz.:

Resolved, That three members of the Senate be appointed by the President of the Senate at once to act as a committee to investigate at once and report to this Senate at 7.30 o'clock P. M. to-day what foundation, if any, they may find for the passage of this resolution by this body.

On motion of Mr. Sharborough the same was tabled.

Thereupon the motion to fix the number of said committee on the part of the Senate at three, and to adopt same, prevailed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Broyles, Campbell, Cayce, Chrisman, Clinton, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Falkner, Farley, Gardner, Greaves, Hughes, Jones, Kiger, Looney, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Ventress, Yarbrough—Total 27.

Nays—Messrs. Bradley, Cooper, Crawford, Dunn, Evans, Heard, Martin, McGehee, Seawright, Sheppard, Wharton, Wilson—Total 12.

Absent and those not voting—Messrs. George, Hicks, Hinton, Key, Taylor and Young—Total 6

Mr. Hughes entered a motion to reconsider the vote whereby the resolution was adopted.

Mr. Sharborough moved to table the motion to reconsider.

Mr. Hughes made the point that under the rules the motion could not be tabled on this the same day the resolution was adopted, which point was sustained by the Chair.

INTRODUCTION OF BILLS OUT OF ORDER.

Under a suspension of the rules the following bills were introduced out of order, read twice and referred to committees as follows, viz.:

By Mr. Bradley—

S. B. No. 95, An Act to appropriate money for the payment and retirement of the outstanding bonds issued pursuant to the provisions of Chapter 34 of the Laws of Mississippi, 1896.

To Finance.

By Mr. Noel—

S. B. No. 96, An Act to so amend Section 4, Chapter 76, of the Laws of 1900, as to omit the words "or of Secretary of State."

To Judiciary.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

S. B. No. 86, To be entitled An Act to dedicate and designate a portion of the present Capitol grounds as a Confederate Monumental Park, create a commission to have control of same and

appropriate one thousand dollars for improvement thereof, with the accompanying amendment.

S. B. No. 88, To be entitled An Act to aid, assist and encourage the organization of the Mississippi National Guard and for their efficient support and maintenance, as contemplated in Section 221 of the Constitution of the State of Mississippi, with the accompanying amendment.

H. B. No. 173, To be entitled An Act to appropriate money to pay for clerical help for the Land Commissioner for the year 1902.

S. B. No. 94, To be entitled An Act to appropriate money to pay interest on bonds authorized to be sold to raise money to complete the new State house, and other purposes.

And has adopted the report of the Conference Committee on the disagreement of the two Houses on House Bill No. 109, To be entitled An Act to raise revenue to carry on the State Government of Mississippi for the fiscal years 1902 and 1903.

And failed to adopt the report of the second Conference Committee on the disagreement of the two Houses on Senate amendment in regard to the interest on bonds called in by the Governor, to House Bill No. 41, To be entitled An Act to appropriate money to defray the expenses of the Legislative, Executive and Judicial departments of the State Government, and to pay interest on the State debt, and asks another conference on the disagreement of the two Houses on the same, and names as conferees on the part of the House Messrs. Smylie, Hill and Dodds.

L. PINK SMITH, *Clerk*.

The request of the House for another Conference Committee on the disagreements of the two Houses on House Bill No. 41, above set out, was agreed to, and the Chair announced as conferees on the part of the Senate Messrs. Sheppard, Evans and Shelton.

Mr. Falkner called up the report of the Conference Committee on H. B. No. 109, An Act to raise revenue to carry on the State Government of Mississippi for the fiscal years 1902 and 1903, and moved that same be adopted, which motion prevailed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Greaves, Heard, Hughes, Jones, Kiger, Looney, Martin, McGehee, Moore, Noel, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Wilson — Total 36.

Absent and those not voting—Messrs. Cooper, Hicks, Hinton, Key, Rowan, Shelton, Sheppard, Yarbrough and Young—Total 9.

REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

MR. PRESIDENT: The Committee on Contingent Expenses has had under consideration the following bills referred to them, and

have instructed me to report them back with the following recommendations:

That said bills be allowed and ordered paid as shown by vouchers 1 to 16 inclusive, hereto attached, and amounting to \$247.57 (two hundred and forty-seven and 57-100 dollars); also fifteen days' work cleaning Senate chamber, \$30 (thirty dollars).

W. G. EVANS, JR., *Chairman.*

J. W. T. FALKNER,

H. B. GREAVES,

Committee.

On motion of Mr. Greaves the foregoing report was adopted and the amount above named was ordered paid to the Sergeant-at-Arms for distribution to the parties interested out of the Senate contingent fund.

Mr. George called up S. B. No. 45, An Act to amend Section 3952 of the Annotated Code of Mississippi, 1892, so as to fix the salary of the Secretary of the Railroad Commission at the sum of twelve hundred dollars, and moved that the House substitute therefor to same effect, with title to read as follows: An Act to amend Section 3952 of the Code of 1892, and Chapter 38, Acts 1900, so as to make the salary of the Clerk of the Railroad Commission twelve hundred dollars, be concurred in, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Greaves, Heard, Hughes, Kiger, Martin, McGehee, Moore, Noel, Rowan, Seawright, Taylor, Wharton, Wilson, Yarbrough—Total 30.

Nays—Messrs. Cooper, Farley, Jones—Total 3.

Absent and those not voting—Messrs. Bailey, Evans, Hicks, Hinton, Key, Looney, Sanders, Sharborough, Shelton, Sheppard, Ventress and Young—Total 12.

Mr. Heard called up S. B. No. 88, An Act to aid, assist and encourage the organization of the Mississippi National Guard, and for their efficient support and maintenance as contemplated in Section 221 of the Constitution of the State of Mississippi, and moved that the House amendment thereto, inserting \$7,500 in lieu of \$12,325, be concurred in, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Greaves, Heard, Hughes, Kiger, Martin, McGehee, Moore, Noel, Rowan, Seawright, Sharborough, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 33.

Nays—Messrs. Farley and Jones—Total 2.

Absent and those not voting—Messrs. Bailey, Evans, Hicks, Hinton, Key, Looney, Sanders, Shelton, Sheppard and Young—Total 10.

HOUSE BILL ON THE CALENDAR.

H. B. No. 173, An Act to appropriate money to pay for clerical help for the Land Commissioner for the year 1902, was read twice, under a suspension of the rules, and referred to Committee on Finance.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

Report of Committee on Judiciary:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bill referred to it, and has instructed me to report it back with the following recommendations:

H. B. No. 125, An Act to amend Sections 2912, 2913 and 2914 of the Code of 1892 relative to the limits and boundaries of municipalities.

Title sufficient; do pass.

R. B. CAMPBELL, *Acting Chairman.*

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bills referred to them, and have instructed me to report them back with the following recommendations:

S. B. No. 95, An Act to appropriate money for the payment and retirement of the outstanding bonds issued pursuant to the provisions of Chapter 34 of the Laws of Mississippi, 1896.

Title sufficient; do pass.

H. B. No. 177, An Act to make an appropriation for the support and maintenance and for the equipment of the penitentiary and State farms, and for other purposes connected therewith, for the years 1902 and 1903.

Title sufficient; do pass as amended.

BRADLEY, *Chairman.*

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 173, An Act to appropriate money to pay for clerical help for the Land Commissioner for the year 1902.

Title sufficient; bill do-pass.

BRADLEY, *Chairman.*

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bill, which was correctly enrolled and signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 1, An Act to repeal all of Chapter 105 relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations for State, District, county district and county officers to be made by primary elections.

B. W. SHARBOROUGH, *Chairman.*

GOVERNOR'S PROCLAMATION EXTENDING SESSION.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., February 27, 1902.

To the Senate and House of Representatives.

GENTLEMEN: After consultation with chairmen of important committees of each House of the Legislature, I am of opinion that much important legislation can not be completed within the time embraced in my proclamation of the 19th instant, extending the time of the sitting of the Legislature until and embracing the 28th day of February, 1902.

Now, therefore, I, A. H. Longino, Governor of the State of Mississippi, by virtue of the authority vested in me by the Constitution and laws of the State do issue this my proclamation in writing, to be transmitted to each House of the Legislature, to be entered upon the journals thereof, extending the sitting of the Legislature for a period of five days, or up to and including Wednesday the 5th day of March, A. D. 1902.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of Mississippi to be affixed.

Done at the Capitol, in the city of Jackson, this the 27th day of February, in the year of our Lord, 1902.

[SEAL]

A. H. LONGINO, *Governor.*

By the Governor:

JOS. W. POWER,

Secretary of State.

Mr. Gardner called up H. B. No. 36, An Act to require the several State officials hereinafter named to make guarantee or surety bonds, and to fix the penalty of the same, and to provide for the payment of the premiums of such bonds out of the State treasury and to repeal all laws in conflict herewith.

On motion of Mr. Campbell the following amendments to the bill, proposed by the committee, were severally adopted, viz.:

Senate Committee amendments to H. B. No. 36:

(1) Amend Section 1 by inserting after the word "officials," in the second line, the following words, "hereafter elected or appointed."

(2) Amend Section 1 by striking out the word "shall," in the line next to the last, and inserting in lieu thereof the following words, "now in office may," and by striking out the words "within sixty days from," in the last line of said section, and by inserting in lieu thereof the following, "at any time after."

(3) Amend Section 4 by adding at the end thereof the following words, "and the certificate of the Governor shall be filed with or attached to the bond given with individual sureties."

Thereupon the bill, as amended, was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Farley, Gardner, George, Greaves, Heard, Hughes, Kiger, Martin, McGehee, Moore, Noel, Rowan, Sanders, Sharborough, Taylor, Ventress, Wharton, Yarbrough—Total 32.

Nays—Messrs. Broyles, Jones, Looney—Total 3.

Absent and those not voting — Messrs. Chrisman, Evans, Hicks, Hinton, Key, Seawright, Shelton, Sheppard, Wilson and Young—Total 10.

Title standing as stated.

Mr. Bradley called up H. B. No. 136, An Act to provide for the payment of the premiums on the bonds of the several State officials when made by guarantee or surety companies.

On motion of Mr. Bradley the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Clinton, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Gardner, George, Greaves, Heard, Hughes, Jones, Kiger, Looney, Martin, Moore, Noel, Rowan, Sanders, Sharborough, Shelton, Ventress, Wharton, Yarbrough—Total 32.

Nays—Mr. Broyles—Total 1.

Absent and those not voting—Messrs. Dent of Fourth District, Evans, Farley, Hicks, Hinton, Key, McGehee, Seawright, Sheppard, Taylor, Wilson and Young—Total 12.

Title standing as stated.

Mr. Farley called up for consideration out of order, under a suspension of the rules H. B. No. 170, An Act to amend Section 622 of the Annotated Code of 1892 in relation to the time of holding the Circuit Court in the Third Judicial District so far as relates to DeSoto County.

On motion of Mr. Farley the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, Greaves, Heard, Hinton, Hughes, Jones, Kiger, Looney, Moore, Noel, Rowan, Sanders,

Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 32.

Absent and those not voting — Messrs. Broyles, Chrisman, Clinton, Cooper, Dent of Fourth District, George, Hicks, Key, Martin, McGehee, Seawright, Sharborough and Young—Total 13.

Title standing as stated.

Mr. Bradley called up H. B. No. 177, An Act to make an appropriation for the support and maintenance and further equipment of the penitentiary and State farms and for other purposes connected therewith for the years 1902 and 1903.

The following amendment, proposed by Mr. Bradley, was adopted, viz.:

Amend by adding after last word in Section 2, "all moneys herein appropriated shall be drawn out on Auditor's warrant issued in the certificate of said Board of Control as provided by law."

Amend by adding Section 1 after the enacting clause.

On motion of Mr. Bradley the bill as amended was tabled subject to call.

SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, being the report of the special joint committee for investigating penitentiary affairs, etc.

Mr. Dunn offered the following resolution bearing on that subject, to-wit:

WHEREAS, By a joint resolution adopted by this Legislature in 1900, a committee of five from the House and five from the Senate were appointed to investigate the affairs of the State penitentiary; and,

WHEREAS, Said committee has industriously and faithfully in the vacation of the Legislature proceeded in such investigation; and,

WHEREAS, The testimony taken in such investigation during vacation has been printed and read by the Legislature; and,

WHEREAS, Said committee was by joint resolution directed to proceed with a further investigation of said matters after the assembling of this Legislature; and,

WHEREAS, Said subsequent investigation has been had with open doors and in the hearing of members of the Legislature other than said committee; and,

WHEREAS, It is the judgment of this Senate, based upon said printed testimony and the testimony openly taken since this session began, that the management of the affairs and operations of the Mississippi State penitentiary has been honestly and efficiently conducted, and the same made profitable to the State; therefore, be it

Resolved, That the Legislature endorse the management of said penitentiary affairs.

Resolved, further, That the thanks of the Senate be tendered said committee for their tireless labor in making said investigations, and that said committee be discharged.

Mr. Farley offered the following amendment to the resolution, viz.: Amend by striking out the words "and efficiently," in line 17, and after the words "honestly and," in said line.

Pending consideration of which resolution, at 6.20, on motion of Mr. Broyles, the Senate adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

FORTIETH DAY.

FRIDAY, February 28, 1902.

The Senate met pursuant to adjournment, President *pro tem*. Kiger in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Clinton, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner, George, Heard, Hughes, Jones, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 42.

Absent—Messrs. Hicks, Hinton and Young—Total 3.

On motion of Mr. Cayce the reading of the journal of yesterday was dispensed with and the same stood approved.

Mr. Cayce called up S. B. No. 86, An Act to dedicate and designate a portion of the present Capitol grounds as a Confederate Monumental Park, create a commission to have control of same, and appropriate one thousand dollars for improvement thereon, and move the adoption of House amendment thereto providing for striking out of the bill and title the appropriation of one thousand dollars.

The amendment was concurred in by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Bradley, Broyles, Cayce, Chrisman, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Gardner,

Hughes, Jones, Key, Kiger, Looney, Moore, Noel, Sanders, Seawright, Sharborough, Sheppard, Taylor, Yarbrough—Total 30.

Nays—Messrs. Campbell, George, Greaves, Martin—Total 4.

Absent and those not voting—Messrs. Adams, Crawford, Heard, Hicks, Hinton, McGehee, Rowan, Ventress, Wharton, Wilson and Young—Total 11.

On motion of Mr. Cayce it was declared to be the sense of the Senate that the meaning of the House amendment was to strike out Section 4 of the bill, which relates solely to the appropriation of one thousand dollars, and the Secretary was instructed to strike out said section before enrollment of the bill.

Mr. Shelton called up H. B. No. 67, An Act to encourage the religious and educational interests in the State, and to exempt all property belonging to or used by religious and educational bodies from taxation.

On motion of Mr. Shelton the bill was read a third time and failed to pass by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Dulaney, Falkner, George, Heard, Kiger, Looney, Martin, McGehee, Seawright, Shelton, Ventress, Yarbrough—Total 14.

Nays—Messrs. Adams, Broyles, Campbell, Cayce, Chrisman, Clinton, Crawford, Dent of Fourth District, Dunn, Evans, Farley, Gardner, Hughes, Jones, Noel, Rowan, Sanders, Sharborough, Wharton—Total 19.

Absent and those not voting—Messrs. Bradley, Cooper, Dent of Sixteenth District, Greaves, Hicks, Hinton, Key, Moore, Sheppard, Taylor, Wilson and Young—Total 12.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 51, An Act to make an appropriation for fuel, lights, telephone and janitor for the Governor's mansion for the years 1902 and 1903.

H. B. No. 116, An Act to amend Chapter 56 of the Acts of 1896, and Section 81 of Chapter 5 of the sheet Acts of 1898, and Section 1 of Chapter 42 of the sheet Acts of 1900, creating privilege taxes on certain industries in the State of Mississippi.

H. B. No. 123, An Act to amend Section 313 of Chapter 17 of the Annotated Code of 1892, so as to authorize the Board of Supervisors to borrow from its County Treasurer, and to authorize said Treasurer to lend said Board out of any fund or funds in the treasury thereof not otherwise appropriated, for the expenses of the current year an amount of money not to exceed one hundred thousand dollars in one year.

H. B. No. 142, An Act authorizing the Board of Supervisors of Perry County, and the Mayor and Board of Aldermen of the city

of Hattiesburg, to invest the sinking fund now on hand and being raised with which to pay off certain bonds.

H. C. R. No. 1, a concurrent resolution proposing an amendment to the Constitution whereby there shall be regular sessions of the Legislature every two years.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 86, An Act to dedicate and designate a portion of the present Capitol grounds as a Confederate Monumental Park, and to create a commission to have control of same.

S. B. No. 88, An Act to aid, assist and encourage the organization of the Mississippi National Guards, and for their efficient support and maintenance as contemplated in Section 221 of the Constitution of the State of Mississippi.

S. B. No. 94, An Act to appropriate money to pay interest on bonds authorized to be sold to raise money to complete the new State House, and other purposes.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

Mr. Sharborough called up the motion heretofore entered to reconsider the vote whereby H. C. R. No. 6, A concurrent resolution to appoint a special committee to investigate the Industrial Institute and College, to report to the Governor after the adjournment of the Legislature, was adopted, and moved to table the same, which motion prevailed.

Mr. Taylor called up S. B. No. 91, An Act to fix the salary of the Cashier of the Treasury.

On motion of Mr. Taylor the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Broyles, Campbell, Cayce, Clinton, Crawford, Dent of Fourth District, Dulaney, Dunn, Evans, Falkner, Gardner, George, Greaves, Heard, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Shelton, Taylor, Ventress, Wharton, Yarbrough—Total 29.

Nays—Messrs. Bailey, Chrisman, Farley, Hughes, Jones, Seawright—Total 6.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 75, An Act to authorize the Board of Supervisors of Amite County to transfer money from the common county fund to the school fund.

H. B. No. 78, An Act to amend Section 4043 of the Annotated Code of 1892 so as to change the times for the opening of the winter and the summer schools.

H. B. No. 115, An Act to amend Sections 3885 and 3886 of the Code of 1892, and constituting the Railroad Commissioners Assessors of telephone property in this State.

H. B. No. 169, An Act to make an appropriation to pay L. Cullen, Tax Assessor of Lafayette County, Mississippi, for commissions due him for assessment for the years 1894 to 1900 inclusive.

H. B. No. 171, An Act to appropriate the interest due the Alcorn Agricultural and Mechanical College and to provide for its expenditure by the Board of Trustees.

H. B. No. 172, An Act to appropriate two hundred and twenty-five dollars out of the State treasury to pay Dr. E. L. Irby, County Health Officer of Tunica County for medical services rendered in smallpox epidemic in Tunica County during the years 1897 and 1898.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor, for his approval, the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of the Senate, in manner and form as required by the Constitution, to-wit:

S. B. No. 86, An Act to dedicate and designate a portion of the present Capitol grounds as a Confederate Monumental Park, and to create a commission to have control of same.

S. B. No. 88, An Act to aid, assist and encourage the organization of the Mississippi National Guards, and for their efficient support and maintenance as contemplated in Section 221 of the Constitution of the State of Mississippi.

S. B. No. 94, An Act to appropriate money to pay interest on bonds authorized to be sold to raise money to complete the new State House, and other purposes.

B. W. SHARBOROUGH, *Chairman.*

Mr. Farley's amendment thereto, offered on yesterday touching the supplemental report of the joint committee to investigate penitentiary affairs.

Mr. Adams obtained consent to withdraw his substitute.

Mr. Dunn obtained consent to withdraw his resolution.

Whereupon, the following resolution, offered by Mr. Broyles, was adopted, viz.:

Resolved, That the report of the joint committee to investigate penitentiary affairs be received, and the committee discharged.

Whereupon the said committee was discharged.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT: The Committee of Conference appointed by the Senate and House has had under consideration the following bill referred to them, and have instructed me to report for them with the following recommendation, viz.:

That the House concur in Senate amendment to H. B. No. 41, An Act to appropriate money to defray the expenses of the Legislative, Executive and Judicial departments of the State government, and to pay interest on the State debt, to-wit:

Interest since July 1, 1901, on 5 per cent bonds, which have not been presented for redemption in pursuance of the call of the Governor, \$1,500.

The House also concur in Senate amendment to said bill for special Judges and Chancellors *pro tempore*, \$8,000.

F. M. SHEPPARD, *Chairman Senate Committee*.

On motion of Mr. Sheppard the foregoing report was adopted by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, George, Heard, Hughes, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Ventress, Wharton, Wilson, Yarbrough—Total 32.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Dulaney, Gardner, Greaves, Hicks, Hinton, Jones, Martin, Shelton, Taylor and Young—Total 13.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

Report of Committee on Judiciary:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bill referred to it, and have instructed me to report it back with the following recommendations:

S. B. No. 96, An Act to amend Section 4, Chapter 76, of the Laws of 1900, so as to omit the words "or Secretary of State."

Title sufficient; bill do pass.

R. B. CAMPBELL, *Acting Chairman*.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 75, An Act to authorize the Board of Supervisors of Amite County to transfer money from the common county fund to the school fund.

H. B. No. 78, An Act to amend Section 4043 of the Annotated Code of 1892 so as to change the times for the opening of the winter and the summer schools.

H. B. No. 115, An Act to amend Sections 3885 and 3886 of the Code of 1892, and constituting the Railroad Commissioners Assessors of telephone property in this State.

H. B. No. 169, An Act to make an appropriation to pay L. Cullen, Tax Assessor of Lafayette County, Mississippi, for commissions due him for assessment for the years 1894 to 1900 inclusive.

H. B. No. 171, An Act to appropriate the interest due the Alcorn Agricultural and Mechanical College and to provide for its expenditure by the Board of Trustees.

H. B. No. 172, An Act to appropriate two hundred and twenty-five dollars out of the State treasury to pay Dr. E. L. Irby, County Health Officer of Tunica County for medical services rendered in smallpox epidemic in Tunica County during the years 1897 and 1898.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor, for his approval, the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of the Senate, in manner and form as required by the Constitution, to-wit:

S. B. No. 86, An Act to dedicate and designate a portion of the present Capitol grounds as a Confederate Monumental Park, and to create a commission to have control of same.

S. B. No. 88, An Act to aid, assist and encourage the organization of the Mississippi National Guards, and for their efficient support and maintenance as contemplated in Section 221 of the Constitution of the State of Mississippi.

S. B. No. 94, An Act to appropriate money to pay interest on bonds authorized to be sold to raise money to complete the new State House, and other purposes.

B. W. SHARBOROUGH, *Chairman*.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has failed to adopt the third conference report on the disagreement of the two Houses on House Bill No. 41, To be entitled An Act to appropriate money to defray the expenses of the Legislative, Executive and Judicial departments of the State government, and to pay the interest on the State debt, and asks another conference, naming as conferees on the part of the House Messrs. Kyle, Bowers and Owen.

L. PINK SMITH, *Clerk.*

Mr. Sheppard moved that the foregoing request of the House for the appointment of a fourth conference committee be granted, and that the Chair appoint said committee.

The motion was lost.

Mr. Campbell moved that the Secretary be instructed to report to the House that the conference committee asked for on the foregoing bill be refused, and to inform the House that the Senate insists upon the adoption of the conference report, which motion prevailed.

Mr. Evans called up H. B. No. 125, An Act to amend Sections 2912, 2913 and 2914 of the Code of 1892, relative to the limits and boundaries of municipalities.

On motion of Mr. Evans the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Broyles, Campbell, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, Heard, Hughes, Kiger, McGehee, Noel, Rowan, Sanders, Seawright, Sheppard, Ventress, Wharton, Wilson, Yarbrough—Total 26.

Absent and those not voting—Messrs. Cayce, Clinton, Cooper, Crawford, Dulaney, Gardner, George, Greaves, Hicks, Hinton, Jones, Key, Looney, Martin, Moore, Sharborough, Shelton, Taylor and Young—Total 19.

Title standing as stated.

The courtesies of the Senate were extended to Messrs. J. T. Eaton of Smith County, and E. S. Johnson of Attala.

The following resolution, introduced by Mr. Kiger, was adopted, viz.:

Resolved by the Senate, That the Governor be requested to submit to the Legislature for such action as they may deem proper the following matter, viz.: An Act to amend an Act entitled An Act to amend an Act entitled An Act to incorporate the Board of Mississippi Levee Commissioners for the Counties of Bolivar, Washington and Issaquena, and for other purposes, approved November 27, 1865, and the several amendments thereto, approved January 27, 1877.

Mr. Dunn moved that the Senate adjourn until 9.30 to-morrow morning.

Mr. Hughes moved as a substitute that the Senate adjourn until 9.30 Monday morning next, which motion was lost.

Thereupon the motion of Mr. Dunn prevailed, and at 6.30 the Senate stood adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary*.

FORTY-FIRST DAY.

SATURDAY, March 1, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Heard, Hughes, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Ventress, Wharton, Wilson, Yarbrough—Total 34.

Absent—Messrs. Broyles, Clinton, Gardner, George, Greaves, Hicks, Hinton, Jones, Shelton, Taylor and Young—Total 11.

On motion of Mr. Looney the reading of the journal of yesterday was dispensed with and the same stood approved.

HOUSE AND SENATE BILLS ON THIRD READING.

H. B. No. 173, An Act to appropriate money to pay for clerical help for the Land Commissioner for the year 1902.

On motion of Mr. Evans the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Bradley, Campbell, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dunn, Evans, Falkner, Farley, Heard, Hughes, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Ventress, Wilson, Yarbrough—Total 25.

Nays—Messrs. Bailey and Key—Total 2.

Absent and those not voting—Messrs. Abbay, Broyles, Cayce, Clinton, Dulaney, Gardner, George, Greaves, Hicks, Hinton,

Jones, Martin, Sharborough, Shelton, Sheppard, Taylor, Wharton and Young—Total 18.

Title standing as stated.

H. B. No. 177, An Act to make an appropriation for the support and maintenance and further equipment of the penitentiary and State farms, and for other purposes connected therewith for the years 1902 and 1903.

On motion of Mr. Bradley the bill as heretofore amended by the Senate was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Hughes, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sheppard, Ventress, Wharton, Wilson, Yarbrough — Total 29.

Nays—Mr. Crawford—Total 1.

Absent and those not voting—Messrs. Broyles, Cayce, Clinton, Gardner, George, Greaves, Heard, Hicks, Hinton, Jones, Martin, Sharborough, Shelton, Taylor and Young—Total 15.

Title standing as stated.

Mr. Abbay entered a motion to reconsider the vote whereby the bill as amended passed.

S. B. No. 96, An Act to so amend Section 4, Chapter 76, of the Laws of 1900, as to omit the words "or Secretary of State."

On motion of Mr. Campbell the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Heard, Hughes, Key, Looney, McGehee, Moore, Noel, Rowan, Seawright, Sharborough, Sheppard, Wharton, Yarbrough — Total 28.

Absent and those not voting—Messrs. Broyles, Cayce, Clinton, Gardner, George, Greaves, Hicks, Hinton, Jones, Kiger, Martin, Sanders, Shelton, Taylor, Ventress, Wilson and Young —Total 17.

Title standing as stated.

H. B. No. 106, An Act to amend Section 4017 of the Annotated Code of 1892 relating to examinations of teachers.

On motion of Mr. Looney the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Greaves, Hughes, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Ventress, Wharton, Wilson, Yarbrough—Total 32.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Gardner, George, Greaves, Hicks, Hinton, Jones, Martin, Shelton, Taylor and Young—Total 13.

Title standing as stated.

Mr. Cooper called up the motion heretofore entered to reconsider the vote whereby S. B. No. 28, An Act to amend Section 2 of Chapter 73, Laws of 1900, approved March 10, 1900, so as to change the composition of the Board of Inquiry and to provide compensation for members of the Board, passed, and moved to table the motion to reconsider, which motion prevailed.

H. B. No. 114, An Act to authorize the Board of Supervisors of Leflore County to pay back to the Sixteenth Section funds money arising therefrom and used in the common school fund.

On motion of Mr. Looney the bill was tabled subject to call.

S. B. No. 95, An Act to appropriate money for the payment and retirement of the outstanding bonds issued pursuant to the provisions of Chapter 34 of the Laws of Mississippi, 1896.

On motion of Mr. Bradley the bill was considered engrossed, read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Hughes, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sheppard, Ventress, Wilson, Yarbrough—Total 28.

Absent and those not voting—Messrs. Broyles, Cayce, Clinton, Falkner, Gardner, George, Greaves, Heard, Hicks, Hinton, Jones, Moore, Sharborough, Shelton, Taylor, Wharton and Young—Total 17.

Title standing as stated.

H. B. No. 108, An Act to authorize the issuance of state bonds for the purpose of completing the new State House and furnishing the same.

On motion of Mr. Bradley the bill was tabled subject to call.

H. B. No. 148, An Act to amend Section 3702 of the Code of 1892 in respect to the day fixed for the meeting of Presidential electors.

The following amendment, proposed by Mr. Farley, was adopted, viz.:

Amend by striking out the word "appointment," in line 5. Section 1, and inserting in lieu thereof the word "election."

Thereupon the bill as amended was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Falkner, Farley, Hughes, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Seawright, Sharborough, Sheppard, Wilson, Yarbrough — Total 28.

Absent and those not voting—Messrs. Broyles, Cayce, Clinton, Crawford, Gardner, George, Greaves, Heard, Hicks, Hinton, Jones, Sanders, Shelton, Taylor, Ventress, Wharton and Young—Total 17.

Title standing as stated.

The courtesies of the Senate were extended to Hons. T. B. Dockery of DeSoto County, J. L. McCascill of Rankin, and Irvin Miller of Leake.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

S. B. No. 93, To be entitled An Act to authorize the Board of Mississippi Levee Commissioners to build and construct a protection levee in Warren County, Mississippi.

And has adopted House Concurrent Resolution asking our Senators and Representatives in Congress to use their best efforts to secure appropriations from the Federal Government to improve the channel of Pascagoula River and Pascagoula Harbor.

Also House Concurrent Resolution of sympathy for the Boers in their struggle for liberty in the South African republics.

And House Concurrent Resolution asking the co-operation of other Southern States in securing funds for the purchase of Beauvoir.

L. PINK SMITH, *Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 93, An Act to authorize the Board of Mississippi Levee Commissioners to build and construct a protection levee in Warren County, Mississippi.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bill read by its title, and signed the same, calling the attention of the Senate thereto.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bill, which was correctly enrolled and signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 93, An Act to authorize the Board of Mississippi Levee Commissioners to build and construct a protection levee in Warren County, Mississippi.

B. W. SHARBOROUGH, *Chairman.*

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 109, An Act to raise revenue to carry on the State government of Mississippi for the fiscal years 1902 and 1903.

H. B. No. 136, An Act to provide for the payment of the premiums upon the bonds of the several State officials where made by guarantee or surety companies.

H. B. No. 170, An Act to amend Section 622 of the Annotated Code of 1892, in relation to the time of holding the Circuit Courts in the Third Judicial District so far as it relates to DeSoto County.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

Leave of absence from day to day after this day was granted to Mr. Moore on account of sickness in his family, and to Messrs. Abbay and Crawford.

Mr. Evans called up for consideration out of order H. C. R. asking our Senators and Representatives in Congress to use their best efforts to secure appropriations from the Federal Government to improve the channel of Pascagoula River and Pascagoula Harbor.

On motion of Mr. Evans the rules were suspended and the resolution adopted by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dulaney, Evans, Falkner, Farley, Heard, Hughes, Key, Kiger, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Wilson, Yarbrough — Total 27.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Crawford, Dent of Sixteenth District, Dunn, Gardner, George, Greaves, Hicks, Hinton, Jones, Martin, Shelton, Taylor, Ventress, Wharton and Young—Total 18.

Mr. Bradley called up S. B. No. 61, An Act to amend Chapter 117, Code of 1892, and subsequent Acts of the Legislature amendatory thereto, in relation to roads, ferries and bridges, and to provide for the betterment thereof.

Pending consideration and reading for information of the foregoing bill, the same was tabled subject to call.

On motion of Mr. Bradley S. B. No. 89, An Act to provide for the better enforcement of the anti-trust laws of this State, was made the special order immediately after the Senate meets on Monday next.

Mr. Cooper moved that when the Senate do adjourn this day that it adjourn until 3 o'clock Monday afternoon next, which motion prevailed.

Mr. Rowan obtained consent to recall from the Judiciary Committee S. C. R. No. 18, A concurrent resolution to authorize and require survey to determine the practicability of constructing canals and improving the waterways of Mississippi, and to recommit the same to Committee on Public Works.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

Report of Committee on Public Works:

MR. PRESIDENT: The Committee on Public Works has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

S. C. R. No. 18, A concurrent resolution to authorize and require survey to determine the practicability of constructing canals and improving the waterways of Mississippi.

Title sufficient; bill do pass.

E. A. ROWAN, *Chairman.*

Mr. Moore called attention to the fact that the members on the part of the Senate of the joint committee provided for in H. C. R. No. 6, to investigate the Industrial Institute and College, etc., which was adopted by the Senate on the 27th ultimo, had not yet been appointed, and asked, as one of the Trustees of the Institution, that the appointment of said committee be not longer delayed, and that unless there was some reason why the President *pro tem.* should not make the appointment in the absence of the Lieutenant Governor, that he proceed to do so.

President *pro tem.* Kiger stated that he preferred not to assume this responsibility unless the Senate decided that he should do so in the absence of the Lieutenant Governor.

Mr. Moore stated that the Lieutenant Governor had informed him that for reasons considered by himself to be sufficient, he desired that the President *pro tem.* should appoint the said committee.

Thereupon the President *pro tem.* named as said committee on the part of the Senate Messrs. Sharborough, Dent of the Fourth District and Adams.

On motion of Mr. Cooper the Senate, at 1.10 P. M., adjourned until 3 o'clock Monday afternoon next.

JOHN Y. MURRY, JR., *Secretary.*

FORTY-SECOND DAY.

MONDAY, March 3, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Greaves, Heard, Hicks, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 37.

Absent — Messrs. Broyles, Clinton, Evans, Falkner, Jones, Moore, Shelton and Young—Total 8.

On motion of Mr. Dunn the reading of the journal of Saturday was dispensed with and the same stood approved.

Leave of absence from day to day was granted to Mr. Falkner.

The courtesies of the Senate were extended to Mr. J. M. McBeath of Lauderdale County, S. W. Sample of Holmes and Hon. John W. Ferrell of Lauderdale.

On motion of Mr. Dunn the Senate reconsidered the vote whereby the request of the House for a fourth conference committee on the disagreement of the two Houses on H. B. No. 41, An Act to appropriate money to defray the expenses of the Legislative, Executive and Judicial departments of the State government, and to pay interest on the State debt, was refused, and said conference committee was agreed to.

Whereupon the Chair appointed as said conferees on the part of the Senate Messrs. Bradley, McGehee and Dunn.

At 3.35 P. M. the Senate went into executive session with closed doors.

At 3.40 P. M. the Senate resumed legislative business with open doors.

Mr. Crawford called up S. B. No. 40, An Act to amend Section 3182, Code 1892, so as to strike out the names of the Governor and Attorney General as officers of the Board of Control.

On motion of Mr. Sheppard the bill was indefinitely postponed.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

H. B. No. 178, To be entitled An Act to make the filing of county assessment rolls of 1900 in certain cases where they are not filed as required by law, legal.

S. B. No. 37, To be entitled An Act to amend Section 3182, Code of 1892, so as to require appraisers' inventory to be made on January 1st each year and clerks' books to be balanced from same, with accompanying amendment.

And has adopted the following resolutions:

Resolved by the House, the Senate concurring, That the members of the committee appointed to investigate the Industrial Institute and College are hereby allowed a per diem of five dollars and actual expenses, which shall be drawn from the one thousand dollars appropriated by House Concurrent Resolution No. 6, on certificate of the Chairman and Secretary of said committee, and on warrant of the Auditor upon the State Treasurer.

Resolved by the House, the Senate concurring, That the Speaker of the House and President of the Senate each declare their respective Houses adjourned *sine die* at 12 o'clock M., on Wednesday, March 5, 1902.

S. B. No. 21, To be entitled An Act to amend Section 3771 of the Annotated Code providing for the assessment of lands every four years for the purpose of raising revenue.

And has concurred in Senate amendments to House Bill No. 36, To be entitled An Act to require the several State officials hereinafter named to make guarantee or surety bonds and to fix the penalty of the same and to provide for the payment of the premiums on such bonds out of the State treasury, and to repeal all laws in conflict herewith.

And has adopted House Concurrent Resolution adopting a State ode as contained in the verses accompanying.

L. PINK SMITH, *Clerk*.

HOUSE BILL ON THE CALENDAR.

H. B. No. 178, An Act to make the filing of county assessment rolls of 1900 in certain cases where they were not filed as required by law, legal, on the calendar, was read twice, under a suspension of the rules, and referred to Judiciary Committee.

Mr. Kiger called up the House Concurrent Resolution just reported to allow a per diem of five dollars and actual expenses to the committee to investigate the Industrial Institute and College, provided for in H. C. R. No. 6, etc., and moved that the same be concurred in, which motion prevailed.

Mr. Kiger called up H. C. R. to adjourn *sine die* at 12 M. on Wednesday, March 5, 1902, and moved that the Senate concur in same, which motion was lost.

Mr. Gardner called up H. C. R. "adopting State ode as contained in verses accompanying," and moved that the Senate concur therein, which motion prevailed.

SPECIAL ORDER.

On motion of Mr. Dunn the Senate proceeded to the consideration of the special order for this hour, being the motion to reconsider the vote whereby S. B. No. 89, An Act to provide for the better enforcement of the anti-trust laws of this State, passed the Senate, and moved that same be reconsidered, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Bradley, Campbell, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Gardner, George, Heard, Hughes, Kiger, McGehee, Rowan, Sheppard, Taylor, Wharton, Wilson—Total 19.

Nays—Messrs. Adams, Bailey, Cayce, Chrisman, Crawford, Farley, Greaves, Hicks, Hinton, Key, Looney, Noel, Sanders, Seawright, Sharborough, Yarbrough—Total 16.

Absent and those not voting—Messrs. Broyles, Clinton, Evans, Falkner, Jones, Martin, Moore, Shelton, Ventress and Young—Total 10.

PAIRS.

The following pairs on the foregoing vote were announced, viz.:

Mr. Martin was paired with Mr. Falkner, and Mr. Ventress with Mr. Clinton, Messrs. Falkner and Clinton would have voted "aye," Messrs. Martin and Ventress would vote "nay."

Mr. Dunn offered the following amendment to the bill, viz.:

Amend Section 1 by striking out all of said section from and including 34th line to the end thereof.

Mr. Bradley offered a substitute for the entire bill and amendment.

Mr. Campbell moved to table the substitute, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Campbell, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dunn, Farley, Greaves, Hicks, Hinton, Key, Looney, Noel, Sanders, Seawright, Sharborough, Ventress, Yarbrough—Total 20.

Nays—Messrs. Abbay, Bradley, Cooper, Dent of Fourth District, Dulaney, Gardner, George, Heard, Hughes, Kiger, McGehee, Rowan, Sheppard, Taylor, Wharton, Wilson—Total 16.

Absent and those not voting—Messrs. Broyles, Clinton, Evans, Falkner, Jones, Martin, Moore, Shelton and Young—Total 9.

Thereupon the amendment proposed by Mr. Dunn was adopted.

To the bill as amended the following amendment was offered by Mr. Abbay, viz.:

For all offenses committed prior to the passage of this Act the same penalties shall be inflicted as provided by law prior to the passage of this Act; and for all offenses committed subsequent to the passage of this Act the same shall be punished as provided

by law before the passage of this Act; provided, however, that the court in its discretion may impose a fine of not less than two hundred dollars nor more than five thousand dollars instead of a judgment of forfeiture of charter or right to do business in this State.

The following substitute to Mr. Abbay's amendment, offered by Mr. Farley, was adopted, viz.:

Add at the end of Section 6 the following: "Provided that the trial court may impose upon each person or corporation in a trust or combine a fine of not less than two hundred nor more than five thousand dollars; or the court may not impose such fine, but order and adjudge a forfeiture of its charter if a domestic corporation, or the forfeiture of its right or license to do business in this State, if a foreign corporation; or the court may impose such fine and adjudge the forfeiture of charter or right or license to do business in this State, provided that for offenses committed prior to the passage of this Act the court may not inflict both a fine and forfeiture of charter or license to do business in this State.

Mr. Sheppard moved to adjourn, which motion was lost by the following vote, viz.:

Yeas—Messrs. Cooper, George, Kiger, Sheppard, Wilson—Total 5.

Nays — Messrs. Abbay, Adams, Bailey, Campbell, Cayce, Chrisman, Crawford, Dent of Sixteenth District, Dunn, Farley, Greaves, Hicks, Hinton, Hughes, Key, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Yarbrough—Total 26.

Absent and those not voting—Messrs. Bradley, Broyles, Clinton, Dent of Fourth District, Dulaney, Evans, Falkner, Gardner, Heard, Jones, Moore, Shelton, Wharton and Young—Total 14.

Mr. Farley called the previous question upon the passage of the bill as amended.

The call was sustained, whereupon the bill as amended was considered engrossed, read a third time and passed by the following vote, viz.:

Ayes — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Greaves, Heard, Hicks, Hinton, Hughes, Key, Kiger, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wharton, Yarbrough—Total 34.

Nays—Mr. Wilson—Total 1.

Absent and those not voting — Messrs. Broyles, Clinton, Evans, Falkner, Jones, Martin, Moore, Shelton, Ventress and Young—Total 10.

Title standing as stated.

PAIRS.

The following pairs were announced, viz.:

Mr. Martin with Mr. Falkner, Mr. Ventress with Mr. Clinton. Messrs. Martin and Ventress would vote "aye," Messrs. Falkner and Clinton, if present, would vote "nay."

Mr. George entered a motion to reconsider the vote whereby the bill as amended passed.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., March 1, 1902.

To the Legislature of the State of Mississippi.

GENTLEMEN: In compliance with a resolution adopted by the Senate requesting the submission of the following subject, I have the honor to submit for your consideration and such action as you may deem proper, to-wit:

An Act to amend "An Act to incorporate the Board of Mississippi Levee Commissioners for the Counties of Bolivar, Washington and Issaquena, and for other purposes, approved November 27, 1865, and the several amendments thereto," approved January 27, 1877.

Respectfully,

A. H. LONGINO, *Governor.*

EXECUTIVE DEPARTMENT,
JACKSON, MISS., March 1, 1902.

MR. PRESIDENT: I am directed by his Excellency the Governor to inform the Senate that he has this day approved the following bills, to-wit:

S. B. No. 88, An Act to aid, assist and encourage the organization of the Mississippi National Guard, and for their efficient support and maintenance, as contemplated in Section 221 of the Constitution of the State of Mississippi.

S. B. No. 94, An Act to appropriate money to pay interest on bonds authorized to be sold to raise money to complete the new State House, and other purposes.

S. B. No. 86, An Act to dedicate and designate a portion of the present Capitol grounds as a Confederate Monumental Park, and to create a commission to have control of same.

S. B. No. 93, An Act to authorize the Board of Mississippi Levee Commissioners to build and construct a protection levee in Warren County, Mississippi.

Respectfully,

J. J. COMAN, *Private Secretary.*

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

H. B. No. 179, To be entitled An Act to amend an Act entitled An Act to incorporate the Board of Mississippi Levee Commissioners for the Counties of Bolivar, Washington and Issaquena, and for other purposes, approved November 27, 1865, and the several amendments thereto, approved January 27, 1897.

L. PINK SMITH, *Clerk.*

HOUSE BILL ON THE CALENDAR.

H. B. No. 179, An Act to amend an Act entitled An Act to incorporate the Board of Mississippi Levee Commissioners for the Counties of Bolivar, Washington and Issaquena, and for other purposes, approved November 27, 1865, and the several amendments thereto, approved January 27, 1897, on the calendar, was read twice, under a suspension of the rules, and referred to Committee on Levees.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. C. R. No. 6, A concurrent resolution to appoint a special committee to investigate the Industrial Institute and College, to report to the Governor after the adjournment of the Legislature.

H. B. No. 36, An Act to require the several State officials hereinafter named to make guaranty or surety bonds and to fix the penalty of same, and to provide for the payment of the premiums on such bonds out of the State treasury, and to repeal all laws in conflict herewith.

H. B. No. 125, An Act to amend Sections A2912, 2913 and 2914 of the Annotated Code of 1892, relative to the limits and boundaries of municipalities.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 21, An Act to amend Section 3771 of the Annotated Code, providing for the assessment of lands every four years for the purpose of raising revenue.

S. B. No. 45, An Act to amend Section 3952 of the Code of 1892, and Chapter 38, Acts 1900, as heretofore amended, so as

to make the salary of the Clerk of the Railroad Commission twelve hundred dollars.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles, and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 21, An Act to amend Section 3771 of the Annotated Code, providing for the assessment of lands every four years for the purpose of raising revenue.

S. B. No. 45, An Act to amend Section 3952 of the Code of 1892, and Chapter 38, Acts 1900, as heretofore amended so as to make the salary of the Clerk of the Railroad Commission twelve hundred dollars.

B. W. SHARBOROUGH, *Chairman*.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., March 3, 1902.

To the Senate.

GENTLEMEN: I herewith request that S. B. No. 1, entitled "An Act to repeal all of Chapter 105 of the Code relating to primary meetings and elections, except Sections 3274 and 3275, and to provide for all nominations for State, district, county district and county officers, to be made by primary elections," be recalled, under precedent adopted by this Legislature for correction and amendment, and to that end I beg to say that owing to the great importance of the subject-matter the legislative time will be extended by me for consideration thereof, if requested by the Legislature so to do.

I beg to submit that while I heartily favor the adoption of some proper law to secure fairness in party primary elections, conventions or other methods of naming party candidates, as provided in Section 247 of the Constitution, I am not without grave apprehensions as to the efficiency, practicability, fairness and constitutionality of said bill. I, however, hesitate, owing to the importance of the measure, to act finally thereon until special attention has been directed to some of the features thereof.

It will be seen from the first section of the bill that "all primary elections shall be governed and regulated by the election law of the State in force at the time the election is held, except as herein

otherwise provided." Thus it will be seen that all the election machinery required and expense incident thereto become necessary to the primary elections under this Act. For example, the county election commissioners must revise the poll books at an expense of three dollars per day each; three managers of the election, two clerks and a bailiff are to serve at each voting precinct, all of whom are now allowed by law compensation for their services; and the enormous expense incident to holding elections throughout the State is a matter of common knowledge, and while the primary elections provided for are mandatory and required to be held in the manner provided in the bill, no adequate arrangement is made for raising the money with which to defray the expenses thereof.

Notwithstanding the fact that said provisions are made mandatory, and are put on the same footing with other elections held under the present general law, yet Section 10 of this bill expressly declares that no part of the expenses of the primary elections shall be a "charge on the State or county," but requires each political party to defray all the expenses incident to its primary election, limiting certain portions thereof to be borne by candidates. There is, however, no means provided in the bill to enforce the raising of said funds by the political party, nor even a penalty imposed upon candidates who may fail to contribute their pro rata of the funds required of them, not even to the extent of withholding their names from the ticket. To assume that the candidates will bear the expense is to likewise reasonably assume, owing to the large amount required, that the man with small means would be barred from the contest, which would be unjust to that large class of worthy men who might otherwise seek office at the hands of the people. Should there be failure to hold such primary election in any of the counties for want of means to pay the expenses thereof, no nominations whatever can be made by other methods, and the candidates therein are put in a hurdle race to the polls.

It will be seen that Section 16 of the bill declares that the name of no candidate shall be placed upon the official ballot in general or special elections as a party nominee who is not nominated in pursuance of this Act, and it further also expressly declares that the *election* at the polls, under the present law, of any party nominee who is not nominated under the strict provision of this primary election law, shall be void, and he shall not be entitled to hold the office to which he may be elected by the people at the polls. I submit that this provision of the bill seems to be in conflict with Section 250 of the Constitution, which says, "All qualified electors, and none others, shall be eligible to office, except as otherwise provided in this Constitution." While nominations by primary elections are not among the Constitutional prerequisites to eligibility of men for office, it is not clear to my mind that the inhibition imposed by Section 16 of the Act is not in conflict with and repugnant to the Constitution.

I beg to suggest that the bill provides for the nomination of railroad commissioners by districts, but makes no provision as to whom the returns in said election shall be made, or who shall declare the result of the election. While the bill directs returns in other districts named in it to the respective Executive Committees thereof, it fails to provide any Executive Committee for the Supreme Court Districts in which the railroad commissioners are to be nominated.

I beg further to call attention to the fact that the bill makes no provision whatever for filling any vacancies that might occur on the primary nominated ticket from death or other cause, between the primary and final elections.

Owing to the great pressure of other duties since this bill came to my hands, I have not found time to give it that study necessary to a clear understanding of all its numerous provisions and requirements, and feel it my duty, before final action on it, to make the above suggestions, so that if the Legislature deem such suggestions material to the ultimate success of the matters involved, it may recall and amend the bill at this session.

Respectfully,

A. H. LONGINO, *Governor.*

Mr. Farley moved that a special committee of five be appointed to whom the foregoing message from the Governor be referred, with instruction to report to-morrow morning.

Mr. Abbay moved as a substitute that it be referred to the Committee on Registration and Elections.

Mr. Adams moved to table the substitute, which motion prevailed.

The vote recurring on the motion of Mr. Farley the same was adopted.

Whereupon the Chair appointed the following committee, to-wit: Messrs. Dent of the Fourth District, Farley, Noel, Hughes and Abbay.

At 7.20 P. M., on motion of Mr. Hughes, the Senate adjourned until 9.30 to-morrow morning.

JOHN Y. MURRY, JR., *Secretary.*

FORTY-THIRD DAY.

TUESDAY, March 4, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present—Messrs. Abbay, Adams, Bailey, Campbell, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Heard, Hicks, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 37.

Absent—Messrs. Bradley, Broyles, Clinton, Evans, Falkner, Jones, Shelton and Young—Total 8.

On motion of Mr. Farley the reading of the journal of yesterday was dispensed with and the same stood approved.

The courtesies of the Senate were extended to Hons. Murry F. Smith and H. C. McCabe of Warren, and to Mr. W. D. Bullard of Jackson County.

Mr. Farley called up the motion to reconsider the vote whereby S. B. No. 89, An Act to provide for the better enforcement of the anti-trust laws of this State, heretofore passed, and moved to table the same, which motion prevailed.

RESOLUTION.

Mr. Sanders offered the following resolution, viz.:

Resolved, That a Committee of three Senators be appointed by the President at once to draft a suitable law for the government of the Board of Control and all the interests relating to the State penitentiary.

Resolved, further, That said committee be requested if necessary to confer with the Governor so as to procure his recommendation for remedial legislation, and that a report from this committee be requested at as early an hour as possible.

The ayes and nays being called, the resolution was lost by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Campbell, Chrisman, Cooper, Crawford, Rowan, Sanders—Total 8.

Nays—Messrs. Abbay, Cayce, Cooper, Crawford, Dent of Sixteenth District, Dulaney, Dunn, Gardner, Greaves, Hicks, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Moore, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 26.

Absent and those not voting—Messrs. Bradley, Broyles, Clinton, Dent of Fourth District, Evans, Falkner, Heard, Jones, Noel, Shelton and Young—Total 11.

Mr. Dent of the Sixteenth District moved to reconsider the vote whereby the Senate on yesterday refused to concur in House Resolution to adjourn *sine die* at 12 M. on Wednesday, March the 5th, 1902, which motion prevailed.

Mr. Hughes moved to amend by striking out "12 M." as the hour for adjournment, and inserting in lieu thereof 12 o'clock midnight.

The amendment was adopted, whereupon the resolution as amended was concurred in.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT: Your Committee on Conference on disagreement of the two Houses on amendments to House Bill No. 41, Entitled An Act to appropriate money to defray the expenses of the Legislative, Executive and Judicial departments of the State Government and to pay interest on the State debt, beg leave to report as follows:

1st. That the Senate agree to the House amendment reducing the amount appropriated for the purpose of paying special judges and Chancellors *pro tempore* from \$10,000 to \$8,000.

2d. That the Senate recede from its amendment to appropriate \$1,500 for the payment of interest since July the 1st, 1901, on five per cent bonds, which have not been presented for redemption in pursuance of the call of the Governor.

J. H. McGEHEE,
Acting Chairman on part of the Senate.

On motion of Mr. Dunn the foregoing report was adopted by the following vote viz.:

Yeas—Messrs. Adams, Bailey, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Gardner, George, Heard, Hicks, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Wharton, Wilson, Yarbrough—Total 29.

Nays—Messrs. Abbay, Campbell, Chrisman, Farley, Moore, Ventress—Total 6.

Absent and those not voting—Messrs. Bradley, Broyles, Clinton, Cooper, Evans, Falkner, Jones, Seawright, Shelton and Young—Total 10.

Mr. Kiger called up the motion heretofore entered to reconsider the vote whereby H. B. No. 177, An Act to make an appropriation for the support and maintenance and further equipment of the penitentiary and State farms and for other purposes connected therewith for the years 1902 and 1903, as amended, passed the Senate, and moved to table the motion to reconsider, which motion prevailed by the following vote, viz.:

Yeas—Messrs. Adams, Cayce, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Gardner, Heard, Hicks, Hughes, Kiger, Looney, Martin, Noel, Seawright, Sheppard, Taylor, Ventress, Wharton; Wilson, Yarbrough—Total 23.

Nays—Messrs. Abbay, Bailey, Campbell, Crawford, Farley, George, Greaves, Hinton, Key, McGehee, Moore, Rowan, Sanders, Sharborough—Total 14.

Absent and those not voting—Messrs. Bradley, Broyles, Clinton, Evans, Falkner, Jones, Shelton and Young—Total 8.

EXPLANATION OF VOTE.

Mr. Moore offered the following explanation of his vote, viz.:

I vote "no" on motion to table motion to reconsider the vote whereby H. B. No. 177 passed the Senate because the amount appropriated is, in my opinion, largely in excess of the need of the Board of Control, and very considerably exceeds any profits which we can hope to derive from the operations of said Board. I voted "no" upon said motion to table because, again, the amount appropriated is largely in excess of the warden's estimate of amount required.

I favor and will vote for such appropriation as may amply provide for all legitimate needs and expense, but I think that the enactment into law of the pending bill will establish a dangerous and unwarranted precedent in that it appropriates an amount largely in excess of the needs and legitimate wants of the Board of Control.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has adopted a concurrent resolution requesting the Capitol Commission to fix June 3 next for laying the corner-stone of Mississippi's new Capitol building.

And has indefinitely postponed S. B. No. 47, To be entitled An Act to amend Section 6 of Chapter 15 of the Acts of 1897, in reference to the collection of vital, mortuary and sanitary State statistics.

And has adopted the conference report on the disagreement of the two Houses on House Bill No. 41, To be entitled An Act to appropriate money to defray the expenses of the Legislative, Executive and Judicial departments of the State Government and to pay interest on the State debt.

L. PINK SMITH, *Clerk.*

REPORT OF THE SPECIAL COMMITTEE.

The special committee appointed on yesterday for consideration of the Governor's message touching S. B. No. 1, on primary meetings and elections, etc., submitted the following report, viz.:

Report of the special committee on Governor's message on S. B. No. 1:

The special committee to whom was referred the consideration of the Governor's message on S. B. No. 1 respectfully report:

That after due consideration we recommend that the Senate do not recall S. B. No. 1, but submit action thereon to the Governor for such course thereon as his discretion and judgment may dictate.

DENT of Fourth District, *Chairman.*

MINORITY REPORT.

Mr. Abbay submitted the following minority report, viz.:

MR. PRESIDENT: Your special Committee having had under consideration the message of the Governor touching S. B. No. 1, the minority thereof beg leave to report that we are of the opinion that the points suggested by the Governor are well taken. We therefore recommend that the Senate recall the bill as suggested by the Governor in order that the same may be perfected and purged of Constitutional objections, and be made plainer in some sections than it now is.

Respectfully submitted,

R. F. ABBAY.

Mr. Abbay moved the adoption of the minority report as a substitute for the committee report.

Mr. Hughes called the previous question on the whole subject-matter.

The call was sustained, whereupon the motion to adopt the minority report was lost by the following vote, viz.:

Yeas—Messrs. Abbay, Cayce, Cooper, Dent of Sixteenth District, Gardner, George, Greaves, Moore, Seawright, Ventress—Total 10.

Nays—Messrs. Adams, Bailey, Bradley, Campbell, Crawford, Dulaney, Dunn, Farley, Hicks, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Sharborough, Sheppard, Taylor, Wilson, Yarbrough—Total 24.

Absent and those not voting—Messrs. Broyles, Chrisman, Clinton, Dent of Fourth District, Evans, Falkner, Heard, Jones, Shelton, Wharton and Young—Total 11.

Mr. Dulaney entered a motion to reconsider the vote whereby the motion to adopt the minority report was lost.

Thereupon the report of the committee was adopted by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Crawford, Dent of Fourth District, Dulaney, Dunn, Farley, Hicks, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Wilson, Yarbrough—Total 26.

Nays—Messrs. Abbay, Cayce, Cooper, Gardner, George, Greaves, Moore, Ventress—Total 8.

Absent and those not voting—Messrs. Broyles, Chrisman, Clinton, Dent of Sixteenth District, Evans, Falkner, Heard, Jones, Shelton, Wharton and Young—Total 11.

Mr. Dulaney entered a motion to reconsider the vote whereby the foregoing report was adopted.

RESOLUTION.

The following resolution, offered by Mr. Noel, was adopted, viz.:

WHEREAS, Under our construction of S. B. No. 1, requiring nominations to be made by primary elections, no expense can be assessed against a candidate except his pro rata of the cost of printing tickets and transmitting ballot boxes and booths, which will be very small, making it their duty to pay such pro rata, and leaving the enforcement of its collection to the County Executive Committees without intending to provide any compensation or means of compensation for the services of the Executive Committeemen or precinct election officers, expecting them to render such services as individual contributions to their party, as heretofore cheerfully and voluntarily done; and,

WHEREAS, Section 6 of the bill expressly provides that the tabulated returns of each county's vote for State offices, which includes Railroad Commissioners, should be made to the State Executive Committee; and,

WHEREAS, Vacancies caused by death of nominees can be filled by primary elections, and the names of the nominees thus chosen can be placed on the official ballot, either as party nominees or by petition; and,

WHEREAS, Section 247 of the Constitution requires the Legislature to enact "laws to secure fairness in primary elections, conventions, or other methods of nominating party candidates"; and under our view, by treating the methods disjunctively, leaves the selection, with the means of enforcement, to be determined by law; and,

WHEREAS, If Section 250 of the Constitution is to be considered literally and apart from its other provisions, every qualified elector would be entitled to place his name on the official ballot as a candidate for office, without reference to a nomination or petition; therefore, be it

Resolved by the Senate, That we thank the Governor for his candor and courtesy in submitting to us his objections to S. B. No. 1 before reaching a final decision, and of thus affording this body an opportunity of presenting to him its views on the legal and constitutional features of the measure under consideration; be it further

Resolved, That while, as a usual incident to every new system adopted, some defect can be found, still it is the judgment of the Senate that whatever defect exists in S. B. No. 1 could be better remedied by supplemental legislation than by a recall of the Senate Bill No. 1, at this time, thus reopening in the Senate and in the House the whole subject-matter of primary elections or other modes of nomination; be it further

Resolved, That the Secretary of the Senate, on behalf of the Senate, be requested to submit a copy of these resolutions with the preamble to the Governor.

Mr. Dulaney entered a motion to reconsider the vote whereby the resolution was adopted.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has declined to concur in the Senate amendment to House Concurrent Resolution to adjourn *sine die* and asks a conference on same, naming as conferees on the part of the House Messrs. Stennis of Kemper, Bowers and Loper.

L. PINK SMITH, *Clerk*.

The foregoing conference committee asked for by the House was agreed to and the Chair appointed as Conferees on the part of the Senate Messrs. Dulaney, Martin, and Moore.

Mr. Crawford called up House amendment to S. B. No. 37, An Act to amend Section 3182, Code 1892, so as to require appraisers' inventory to be made on January 1, each year, and Clerks' books to be balanced from same, providing for the appointment of persons to value property by the Board instead of the Governor, and moved that same be concurred in, which motion prevailed by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Campbell, Cayce, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Farley, Gardner, George, Hicks, Hinton, Hughes, Key, Kiger, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Yarbrough—Total 29.

Nays—Messrs. Abbay and Greaves—Total 2.

Absent and those not voting — Messrs. Bradley, Broyles, Chrisman, Clinton, Evans, Falkner, Heard, Jones, Martin, Moore, Shelton, Sheppard, Wilson and Young—Total 14.

Mr. Bailey called up for consideration H. B. No. 73, An Act authorizing the Board of Supervisors of any county in this State to order an extra assessment of the land therein.

The bill was read a third time and failed to pass by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Cayce, Cooper, Dent of Fourth District, Gardner, Hicks, Kiger, Rowan, Sanders, Seawright, Sharborough—Total 12.

Nays — Messrs. Abbay, Campbell, Crawford, Dent of Sixteenth District, Farley, George, Greaves, Hinton, Hughes, Looney, McGehee, Noel, Taylor, Ventress, Wharton, Yarbrough—Total 16.

Absent and those not voting — Messrs. Bradley, Broyles, Chrisman, Clinton, Dulaney, Dunn, Evans, Falkner, Heard, Jones, Key, Martin, Moore, Shelton, Sheppard, Wilson and Young—Total 17.

RESOLUTIONS.

Mr. McGehee offered the following resolution, viz.:

Resolved by the Senate, That the Capitol Commissioners be requested to allow the present members of this Senate to purchase

the chairs and desks occupied by them this term as keepsakes after the abandonment of the old Capitol, and fix the price of the same.

On motion of Mr. Kiger the same was tabled subject to call.

The following resolution, offered by Mr. Farley, was adopted, viz.:

Resolved, That the sum of \$15.15 be, and is hereby appropriated out of the Senate legislative contingent fund for the purpose of paying two-fifths of the amount of expense incurred by the joint committee to investigate the facts and circumstances which lead up to the resignation of ex-State Treasurer J. R. Stowers, and that the Secretary of the Senate issue his warrant on said fund for two-fifths of the several amounts allowed the several parties named in the accompanying list of stenographers and witnesses to whom compensation was due on account of said investigation, viz.:

To amount due F. Yerger, stenographer.....	\$15 00
To amount due Miss Mattie Cavett, stenographer.....	50
To amount due O. J. Waite, witness.....	1 50
To amount due L. F. Montgomery, witness.....	1 50
To amount due C. E. Lowe, witness.....	1 50
To amount due A. H. Longino, witness.....	1 50
To amount due E. J. Smith, witness.....	1 50
To amount due J. R. Stowers, witness and mileage.....	8 90
To amount due F. B. Neal, witness.....	1 50
To amount due W. M. Anderson, witness.....	1 50
To amount due F. T. Raiford, witness.....	1 50
To amount due W. Q. Cole, witness.....	1 50
Total	\$37 90

That two-fifths of each of said above amounts be paid by the Senate, and three-fifths by the House out of the contingent fund.

This the 27th day of February, 1902.

G. L. JONES,
Chairman of Senate Committee.

T. L. LAMB,
Chairman of House Committee.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 106, An Act to amend Section 4017 of the Annotated Code of 1892, relating to the examination of teachers.

H. B. No. 173, An Act to appropriate money to pay for clerical help for the Land Commissioner.

H. C. R. No. 8, Asking our Senators and Representatives in Congress to use their best efforts to secure appropriations from the Federal Government to improve the channel of Pascagoula River and deepen Pascagoula Harbor.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

MR. PRESIDENT: The Committee on Engrossed Bills has examined and found correctly engrossed the following entitled bill, to-wit:

S. B. No. 89, An Act to provide for the better enforcement of the anti-trust laws of this State.

MCGEHEE, *Chairman*.

Mr. Yarbrough called up House concurrent Resolution of sympathy for the Boers in their struggle for liberty in the South African Republics, and moved that the Senate concur.

The motion prevailed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Campbell, Dent of Fourth District, Gardner, Hicks, Hughes, Key, Kiger, McGehee, Rowan, Sanders, Seawright, Taylor, Wharton, Yarbrough—Total 16.

Nays — Messrs. Adams, Campbell, Crawford, Dent of Sixteenth District, Dunn, Looney, Sharborough, Ventress, Wilson—Total 9.

Absent and those not voting — Messrs. Bradley, Broyles, Chrisman, Clinton, Cooper, Dulaney, Evans, Falkner, Failey, George, Heard, Hinton, Jones, Martin, Moore, Noel, Shelton, Sheppard and Young—Total 19.

Mr. Rowan, under a suspension of the rules, introduced a concurrent resolution memorializing Congress to pass a law to regulate the practice of medicine within the States of the United States.

On motion of Mr. Dunn, the resolution was tabled by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Campbell, Cayce, Crawford, Dunn, Greaves, Hicks, Hinton, Hughes, Kiger, Moore, Noel, Seawright, Sharborough, Sheppard, Wilson, Yarbrough—Total 19.

Nays — Messrs. Dent of Fourth District, Dulaney, Farley, Gardner, Key, Looney, Martin, Rowan, Ventress—Total 9.

Absent and those not voting—Messrs. Bradley, Broyles, Chrisman, Clinton, Cooper, Dent of Sixteenth District, Evans, Falkner, George, Heard, Jones, McGehee, Sanders, Shelton, Taylor, Wharton and Young—Total 17.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., March 4, 1902.

To the Senate.

GENTLEMEN: Adverting to the message addressed to the Senate on March 3d in reference to S. B. No. 1, touching primary elections in the State, I beg to say that I do now, as then, entertain grave doubts as to the constitutionality of said act, but owing to the fact that I have not the time now at the conclusion of the session of the Legislature to maturely consider the doubtful features of the said bill, I feel it my duty to give it the benefit of such doubt, and have therefore approved the same.

Respectfully,

A. H. LONGINO, *Governor.*

At 1.10 P. M., on motion of Mr. Martin, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3 P. M. by President Harrison, a quorum being present.

Leave of absence from day to day was granted to Mr. Dulaney.

Mr. Cayce called up for consideration S. C. R. No. 18, a concurrent resolution to authorize and require survey to determine the practicability of constructing canals and improving the waterways of Mississippi.

On motion of Mr. Cayce the resolution was adopted.

The following resolution, offered by Mr. Moore, was adopted, viz.:

WHEREAS, Charles Hamilton served the Senate one entire day as Assistant Sergeant-at-Arms during the absence of both the Sergeant-at-Arms and his regular assistant upon other business for the Senate; therefore, be it

Resolved, That the said Charles Hamilton be paid for his said service the sum of four dollars, same to be paid from Senate contingent fund.

REPORTS OF STANDING COMMITTEES OUT OF ORDER.

Report of Committee on Levees:

MR. PRESIDENT: The Committee on Levees has had under consideration the following bill referred to them, and have in-

structed me to report it back with the following recommendations:

H. B. No. 179, An Act to amend an Act entitled An Act to incorporate the Board of Mississippi Levee Commissioners for the Counties of Bolivar, Washington and Issaquena and for other purposes, approved November 27, 1865, and the several amendments thereto, approved January 27, 1877.

Title sufficient; bill do pass.

Report of Judiciary Committee:

MR. PRESIDENT: The Judiciary Committee has had under consideration the following bills referred to it, and has instructed me to report them back with the following recommendations:

H. B. No. 178, An Act to make the filing of county assessment rolls of 1900 in certain cases where they were not filed as required by law legal.

Title sufficient; bill do pass.

S. B. No. 16, An Act to exempt from taxation all moneys and securities therefor lent by non-residents of this State to persons, corporations or associations of persons in this State at a rate of interest not exceeding six per cent per annum.

Title sufficient; no recommendation.

S. B. No. 20, An Act to prevent pools, combinations and conspiracies from controlling or limiting the production, sale or price of merchandise; providing for a receiver of the property of all persons, associations or corporations engaged in such pool or combination; the dissolution of such corporations and the distribution of the property in such pool or combination among the parties entitled thereto.

Title sufficient; no recommendation.

R. B. CAMPBELL, *Acting Chairman.*

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bill, and now present it for your signature, to-wit:

S. B. No. 37, An Act to amend Section 3182, Code 1892, so as to require inventory of appraisers to be made on January 1 of each year, and clerks' books to be balanced by same.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bill read by its title and signed the same, calling the attention of the Senate thereto.

Report of Committee on Enrolled Bills:

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to his Excellency the Governor for his approval the following entitled bill, which was correctly enrolled and signed

by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 37, An Act to amend Section 3182, Code 1892, so as to require inventory of appraisers to be made on January 1 of each year and clerks' books to be balanced by same.

B. W. SHARBOROUGH, *Chairman*.

Mr. Sheppard obtained consent to call up for consideration out of order, under a suspension of the rules, H. B. No. 178, An Act to make the filing of county assessment rolls of 1900 in certain cases where they were not filed as required by law, legal.

On motion of Mr. Sheppard the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Abbay, Bailey, Campbell, Cayce, Cooper, Crawford, Dent of Sixteenth District, Dunn, Evans, Gardner, Greaves, Hicks, Hinton, Hughes, Key, Kiger, Looney, McGehee, Rowan, Sanders, Seawright, Shelton, Sheppard, Taylor, Wilson, Yarbrough—Total 26.

Nays—Mr. Farley—Total 1.

Absent and those not voting—Messrs. Adams, Bradley, Broyles, Chrisman, Clinton, Dent of Fourth District, Dulaney, Falkner, George, Heard, Jones, Martin, Moore, Noel, Sharborough, Ventress, Wharton and Young—Total 18.

Title standing as stated.

Mr. Farley called up for consideration out of order, under a suspension of the rules, bills this day reported.

S. B. No. 16, An Act to exempt from taxation all moneys and securities therefor lent by non-residents of this State to persons, corporations, or association of persons in this State at a rate of interest not to exceed six per cent per annum.

On motion of Mr. Campbell the bill was indefinitely postponed.

S. B. No. 20, An Act to prevent pools, combinations and conspiracies from controlling or limiting the production, sale or price of merchandise, providing for a receiver of the property of all persons, associations or corporations engaged in such pool or combination, the dissolution of such corporations, and the distribution of the property in such pool or combination among the parties entitled thereto.

On motion of Mr. Noel the bill was tabled subject to call.

Mr. Cayce called up for consideration H. C. R., a resolution asking the co-operation of other Southern States in securing funds for the purchase of Beauvoir.

On motion of Mr. Cayce, the resolution was indefinitely postponed.

RESOLUTION.

The following resolution, proposed by Mr. Adams, was on motion adopted, viz.:

Resolved by the Senate, the House concurring, That the reports of Penitentiary Investigating Committee, and all the testimony taken in connection therewith, be, and the same are hereby ordered to be printed, and that twelve hundred copies be prepared for public distribution, one thousand copies to be distributed to the members of the House and Senate, and that the Chairman of the Joint Committee, Senator E. H. Moore, Senator L. C. Dulaney, and S. W. Jones, Secretary of said Joint Committee, be authorized to supervise said printing, and that two hundred copies be left with the Secretary of State.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
JACKSON, MISS., March 4, 1902.

MR. PRESIDENT: I am directed by his Excellency the Governor to inform the Senate that he has this day approved the following bills, to-wit:

S. B. No. 21, An Act to amend Section 3771 of the Annotated Code providing for the assessment of lands every four years, for the purpose of raising revenue.

S. B. No. 45, An Act to amend Section 3952 of the Code of 1892, and Chapter 38, Acts 1900, as heretofore amended, so as to make the salary of the Clerk of the Railroad Commission twelve hundred dollars.

Respectfully,
J. J. COMAN, *Private Secretary.*

RESOLUTION.

The following resolution, offered by Mr. Moore, was adopted, viz.:

WHEREAS, the Code of 1892 requires that the Secretary of the Senate shall prepare an index to the Senate Journal, a duty that had not been heretofore imposed upon him by law; and,

WHEREAS, For said work no compensation has been provided; and,

WHEREAS, The Senate Journal not being printed until some sixty days after the adjournment of the Legislature, it is impossible to index it during the session of the Legislature, but will necessitate an additional amount of work over and above that required to be done during the session; therefore, be it

Resolved by the Senate, That the present Secretary be allowed pay for ten days at the rate fixed by law for his services during the session for said services required after the adjournment, the same to be paid out of the Senate legislative contingent fund.

Mr. Yarbrough in the chair:

On motion of Mr. Gardner H. B. No. 179, An Act to amend an Act entitled An Act to incorporate the Board of Mississippi

Levee Commissioners for the Counties of Bolivar, Washington and Issaquena, and for other purposes, approved November 27, 1865, and the several amendments thereto, approved January 27, 1877, just reported, was called up out of order, under a suspension of the rules.

Mr. Hughes called the previous question upon the passage of the bill.

The call was sustained, whereupon the bill was read a third time and passed by the following vote, viz.:

Yeas—Messrs. Adams, Campbell, Crawford, Evans, Farley, Gardner, George, Greaves, Hinton, Hughes, Key, McGehee, Rowan, Shelton, Taylor, Ventress, Yarbrough—Total 17.

Nays—Messrs. Cayce, Hicks, Kiger, Looney, Martin, Sanders—Total 6.

Absent and those not voting—Messrs. Abbay, Bailey, Bradley, Broyles, Chrisman, Clinton, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Falkner, Heard, Jones, Moore, Noel, Seawright, Sharborough, Sheppard, Wharton, Wilson and Young—Total 22.

Title standing as stated.

PAIRS.

Mr. Moore announced that he was paired on the passage of this bill with Mr. Dulaney; Mr. Moore would vote "aye," Mr. Dulaney, if present, would vote "nay."

Mr. George called up resolution requesting the Capitol Commission to fix June 3 next for laying the corner-stone of Mississippi's new Capitol building.

On motion of Mr. George the resolution was adopted.

At 5.30 P. M. the Senate went into executive session with closed doors.

At 5.35 the Senate resumed legislative business with open doors.

Mr. Adams introduced the following resolution, viz.:

WHEREAS, The Reports made by the Penitentiary Investigating Committee, together with all evidence taken by said committee, has been ordered printed; and;

WHEREAS, The Senate can not intelligently and properly pass upon or determine the merits of said reports until the said evidence has been printed and submitted; therefore, be it

Resolved by the Senate, That no further discussion or consideration of the said reports or of the matters therein involved shall be had by this Senate until said evidence has been printed and submitted; be it further

Resolved, That the thanks of this Senate be, and is hereby extended to said committee for the faithful and conscientious

manner in which it has discharged the laborious duties imposed upon it.

Pending consideration of the foregoing resolution the Senate, at 5.45 P. M., on motion of Mr. Dunn, adjourned until 9.30 tomorrow morning.

JOHN Y. MURRY, JR., *Secretary*.

FORTY-FOURTH DAY.

WEDNESDAY, March 5, 1902.

The Senate met pursuant to adjournment, President Harrison in the chair.

The roll being called, the following Senators answered to their names:

Present — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Crawford, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, George, Greaves, Hicks, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson and Yarbrough — Total 40.

Absent — Messrs. Broyles, Clinton, Falkner, Heard, Jones and Young — Total 5.

On motion of Mr. Dunn, the reading of yesterday's journal was dispensed with and the same stood approved.

On motion of Mr. Hinton, it was declared to be the sense of the Senate that Senator Greaves, who succeeded to the unexpired term of ex-Senator R. C. Lee, who resigned after the beginning of this session, was entitled to mileage, and the Secretary was instructed to issue warrant for same.

The following resolution, offered by Mr. Cayce, was adopted, viz.:

Resolved, That the sum of one dollar per day, for each day's attendance at this session, be, and is hereby allowed to the doorkeeper of the Senate, payable out of the Senate contingent fund; this allowance being in addition to the salary allowed by law to the doorkeeper.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bills, which are herewith transmitted, to-wit:

S. B. No. 28, To be entitled An Act to amend Section 2 of Chapter 73, Laws of 1900, approved March 10, 1900, so as to change the composition of the Board of Inquiry, and to provide compensation for members of the Board.

S. B. No. 84, To be entitled An Act to increase the salary of the Adjutant General to six hundred dollars annually.

S. B. No. 96, To be entitled An Act to amend Section 4, Chapter 76, of the Laws of 1900, so as to omit the words, "or Secretary of State."

S. B. No. 89, To be entitled An Act to provide for the better enforcement of the anti-trust laws of the State.

S. B. No. 57, To be entitled An Act to amend Section 1, Chapter 54, Acts of 1900, in relation to issuance of State bonds for the purpose of erecting a new State house; with the accompanying amendments.

S. B. No. 67, To be entitled An Act to appropriate money for the completion and furnishing of the new State house, for beautifying the grounds thereof, and for the removal of the State's official archives and property to the new State house; with the accompanying amendments.

H. B. No. 180, To be entitled An Act to appropriate the additional sum of three hundred dollars for the year 1902, and the additional sum of three hundred dollars for the year 1903, with which to pay the salary of the Clerk of the Railroad Commission; his said salary having been increased from nine hundred dollars to twelve hundred dollars per annum by an Act of this Legislature.

Has concurred in Senate amendment to H. B. No. 148, To be entitled An Act to amend Section 3702 of the Code of 1892 in respect to the day fixed for the meeting of Presidential Electors.

And has failed to pass S. B. No. 71, To be entitled An Act to provide for a State Geologist, and for a geological survey of the State.

L. PINK SMITH, *Clerk.*

HOUSE BILL ON THE CALENDAR.

H. B. No. 180, An Act to appropriate the additional sum of three hundred dollars for the year 1902 and the additional sum of three hundred dollars for the year 1903, with which to pay the salary of the Clerk of the Railroad Commission; his said salary having been increased from nine hundred dollars to twelve hundred dollars per annum by an Act of this Legislature, on the calendar, was read twice, under a suspension of the rules, and referred to Committee on Finance.

REPORT OF CONFERENCE COMMITTEE TOUCHING HOUR OF ADJOURNMENT SINE DIE.

MR. PRESIDENT: Your Committee of Conference on the disagreement of the two Houses touching the hour for adjournment

sine die, have agreed to recommend that the Senate recede from its amendment, and that it fix the hour of adjournment at 6 P. M., this day. The conferees on part of the House agreeing thereto.

Respectfully,

L. C. DULANEY, *Chairman*.

On motion of Mr. Dulaney, the foregoing report of Conference Committee was adopted by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Dent of Fourth District, Dulaney, Dunn, Evans, Gardner, George, Greaves, Hicks, Hinton, Hughes, Kiger, Looney, McGehee, Moore, Noel, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wilson and Yarbrough — Total 27.

Nays — Messrs. Chrisman and Rowan — Total 2.

Absent and those not voting — Messrs. Bailey, Broyles, Clinton, Cooper, Crawford, Dent of Sixteenth District, Falkner, Farley, Heard, Jones, Key, Martin, Sanders, Seawright, Wharton and Young — Total 16.

RESOLUTIONS.

The following resolution, offered by Mr. Moore, was adopted by a rising vote, viz.:

Resolved, That the thanks of the Senate are due and are hereby tendered, to our worthy Secretary, Mr. John Y. Murry, Jr., and to his capable assistant, Mr. L. F. Chiles, for the patient, courteous, and thoroughly efficient work which has, during the entire session, characterized the discharge of the important and laborious duties imposed upon them.

The following resolution, offered by Mr. Adams, was adopted by a rising vote, viz.:

Resolved, That the thanks of the Senate are due and they are hereby extended to the presiding officer of this Senate for the very able, efficient, and impartial discharge of his important trust. We have always found him prompt, well equipped, and perfectly fair, and the hope of this body is that he may be called upon to "step up higher," that he may be spared for long years of usefulness to his State.

The following resolution, offered by Mr. Cayce, was adopted by a rising vote, viz.:

Resolved, That we tender to Lieutenant Governor J. T. Harrison and President *pro tem* W. G. Kiger, our warm appreciation of their courtesy, impartiality, and ability in the discharge of the official duties, and that we will carry with us through life the most pleasant memories of our association with them.

That we tender to all and each of the employees of the Senate our thanks for the faithful and conscientious performance of their various and varied duties, and assure them and each of them of our appreciation of their labors, and that we earnestly invoke the bless-

ings and guidance of Divine Providence upon each of them, now and always.

Mr. Adams obtained consent to withdraw his resolution introduced on yesterday, touching the report of the Committee to Investigate Penitentiary Affairs.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has passed the following entitled bill, which is herewith transmitted, to-wit:

S. B. No. 24, To be entitled An Act to establish a separate and distinct department of insurance, to create the office of Insurance Commissioner, and to regulate insurance companies and fraternal orders doing an insurance business in this State, and to provide for the investigation of incendiary fires, with accompanying amendments thereto.

L. PINK SMITH, *Clerk.*

SUPPLEMENTAL REPORT OF COMMITTEE ON ENROLLED BILLS,
TOUCHING INTERLINEATION OF S. B. NO. 125,
EFFECTED DURING THE SESSION
OF 1900.

MR. PRESIDENT: The Committee on Enrolled Bills, to whom was referred the investigation of the unauthorized interlineation of S. B. No. 125, effected during the session of 1900, submit this, their supplemental report:

Upon the primal question, How and by whom the unauthorized interlineation of the bill was effected, we have received no additional information, nor any contradiction of the evidence, that the provision on which the Wineman suit is based was forged, after the amendment had been rejected by the Senate and House, nor is there any evidence that any claim except that of the Winemans sought any benefit from the forgery, nor was thereby effected. The Attorney General testified that no one but Mr. Carlisle, and the attorneys he retained, demanded anything of him, or through the courts, on account of entries effected through the office of Secretary of State. Attorneys are not censurable for presenting in Courts, as did Messrs. Brame and Alexander, the legal points on which a client relies, even though one of the points be that the signatures of legislative presiding officers preclude inquiry as to prior forgery of a bill.

As to the handwriting of the interlined words, we took no testimony, because we knew of none that was positive, and our time was limited.

Mr. Carlisle, in his evidence, sought to justify his attempt to collect the Wineman claim through the courts, after receiving notice he had to rely on an illegal alteration of a bill, upon the ground that the claim was a moral and equitable one against the

State. This led us to investigate its nature and origin. The result of this investigation convinces us that the claim is unsustainable against the State, either in law or in morals.

Since submitting our former report, we have taken the testimony of Mr. Calvin Perkins as to his connection with Wineman's acquisition of lands from the State, in 1882, that being his sole connection with anything pertaining to our investigation.

Mr. Perkins proves that, in the latter part of 1881 and early part of 1882, an Englishman, Mr. B. H. Evers, procured from the State, through negroes, who made individual applications for entries and patents, about 200,000 acres of public lands; that this practice was open and notorious, was discussed and impliedly sanctioned by some of our State officials; that accepting this method of acquiring State lands as legitimate, and without evil intent, he obtained for Marx Wineman, from the State, through powers of attorney from several hundreds of persons in Memphis, individual patents for 100,000 acres of land, which were, as originally intended, conveyed to Wineman; that when in this State, on this open mission, he heard that the Governor intended forbidding this method of acquiring State lands for the future, and interviewed the Governor on that subject; that, after some deliberation, the Governor stated patents would issue as before. The law of 1877, under which the Wineman speculative entries were made, at nominal figures, recites, "The State's want of title to unknown parts of the lands, thus put on the market." It specifically provides "that no person shall be allowed to enter more than 240 acres under the provisions of this Act," clearly indicating a policy to directly convert the State's holdings into small farms, and to exclude large speculative entries. While we impute to Mr. Calvin Perkins no actual fraudulent intent, the wholesale entries for the benefit of Messrs. Evers and Wineman and others were a violation of the letter and spirit of the law, and justified forfeiture, not only of money where titles failed, but of all lands acquired while in their ownership. The legal consequences of such a violation of the letter or spirit of a law are determined by law and not by the knowledge of any official. The Governor may pardon a specific offense, but he can not annul the operation of a law. Mr. Wineman realized a profit on his total outlay, and there is no more reason to increase the profits of his transaction by taking money from the public treasury than there is for returning money collected as penalties for misdemeanors.

We know of no evidence tending to prove that, in the Senate, or before either of its committees, any objection was urged to the payment of the Wineman claim other than for its want of merit.

The majority of this committee, though earnestly solicited, have not qualified, individually or otherwise, the findings of their report to Mr. Carlisle. The facts reported are fully sustained, by the practically uncontradicted evidence submitted by us, which evidence we think should be printed in the Senate Journal. This

evidence constitutes the extent of our knowledge, and is open to inspection to all alike.

Respectfully submitted,

B. W. SHARBOROUGH,
E. F. NOEL,
W. P. VENTRESS,
WILEY SANDERS.

RESOLUTION.

The following resolution was offered by Mr. Taylor, viz.:

WHEREAS, The report of the Committee appointed to investigate the interlineation of S. B. No. 125, has made a report of the findings of facts in said investigation, but made no charges against any one; and,

WHEREAS, It appears that the impression has been created outside of the Senate that the present State Treasurer, G. W. Carlisle, is guilty of said charge; now, therefore, be it

Resolved, by the Senate, That we disclaim any such purpose or intent by said report, and that we affirm our confidence in the integrity of the said G. W. Carlisle, and his innocence of said charge.

Mr. Gardner called the previous question on the adoption of the resolution.

The call was sustained, whereupon the resolution was adopted.

EXPLANATION OF VOTE.

We, the undersigned, voted "no" on the adoption of the foregoing resolution.

The evidence submitted with our reports was not read to or by the Senate. On that account, we neither asked, nor wished, the reports of the Committee on Enrolled Bills, relating to the illegal alteration of S. B. No. 125, of session of 1900, adopted. All the findings of the two reports are clearly sustained by the evidence submitted, and are practically unquestioned.

While going no further than these findings, we have not qualified their effect in or out of the Senate.

E. F. NOEL,
B. W. SHARBOROUGH,
W. P. S. VENTRESS.

RESOLUTION.

The following resolution, offered by Mr. Sharborough, was adopted, viz.:

Resolved by the Senate, That the evidence reported by the Committee on Enrolled Bills upon the investigation of the unauthorized interlineation of S. B. No. 125 of the session of 1900 be printed in the Senate journal.

Evidence referred to in foregoing resolution.

IN THE MATTER OF THE INVESTIGATION OF THE
ALTERATION OF SENATE BILL No. 125, RE-
FERRED TO THE COMMITTEE ON EN-
ROLLED BILLS BY THE SENATE FOR
INQUIRY AND REPORT.

THE SAID BILL HAVING BEEN PASSED AT THE SESSION OF THE
LEGISLATURE HELD IN 1900, AND BEING CHAPTER 76
OF THE ACTS OF THAT YEAR.

Pursuant to the authority conferred upon us by said resolution, said committee had witnesses brought before them, duly sworn, and the witnesses testified as follows:

Attorney General Monroe McClurg, being sworn, testified as follows:

QUESTIONED BY MR. NOEL.

Q.—What office do you hold, and how long have you held it?

A.—I have held the office of Attorney General since January 15, 1900.

Q.—State whether or not as Attorney General it became a part of your official duty to investigate or pass upon any claim or claims propounded to you under Chapter 76 of the Acts of 1900, and if so, state what were the character of such claims, and whether or not any of these claims originated under land transactions in the Secretary of State's office, and if so, how many. In your answer to this interrogatory, you can state in your own way what, if anything, you know of an amendment or alteration made in Senate Bill No. 125, now handed you, and what, if anything, you did in relation to ascertaining how such alteration or amendment came to be made. Please answer fully.

A.—I have had a great many occasions to investigate the provisions of this bill, but referring to the development of an alleged interlineation after its passage, I can state the case best by giving what I understand to be the history of Senate Bill No. 125.

Soon after I took possession of this office, during the Legislature of 1900, Mr. George W. Carlisle came to me with a pencil-written bill substantially the same as the one that became a law in Chapter 76 of the Laws of 1900, requesting me to read it over and to make any suggestions as to its perfection that I might think necessary. He explained the object of the bill to be to save the Legislature from the trouble and expense of passing special and private Acts of legislation. I glanced over it and asked him why it was that his bill did not provide for the approval of the repayments of money therein provided for by the Governor. He said that the Governor has as much as he could do already, and, after a very little discussion, I told him that I had no other suggestion to make, and could not undertake to pass judgment on his bill at

all; that I was afraid that there were snakes in it, and had as much as I could look after myself. I do not remember anything further about it until after the Legislature adjourned, when Mr. Carlisle came to me with a very large batch of claims running from 1874 up to 1892 — I think it was up to 1892 or 1894 — and asked my approval officially of his claims to moneys amounting to several thousand dollars, under Chapter 76 of the Laws of 1900, which I observed to be the Act that he had drawn in pencil and submitted to me while the Legislature was in session. I declined to make the approval, and endorsed upon his application that the claims were all barred by the statute of three and six years' limitation. My recollection is that among these claims was the old Wineman matter, based upon patents issued by the Secretary of State in 1882. He protested against the State pleading limitation, and when he found that I was fixed in my purpose to stand on it, he modestly informed me that he would get the ex-Chief Justice of the Supreme Court of the State — referring to Judge T. H. Woods, who had just retired from the bench — to learn me the law in the case. I mildly informed him that I would be glad to learn it from Judge Woods or anybody else, but that the Wineman claim especially would not be paid while I was Attorney General if I could help it.

I heard no more of the matter until a suit was instituted against the State by Mr. Carlisle as agent for the Wineman heirs, for whom he stood security for costs, and I was served with process to appear in the Circuit Court of Hinds County. A demurrer to the declaration was sustained, and that case ended.

Mr. C. H. Alexander and Judge L. Brame came to see me as attorneys for the Wineman claim, and wanted me to say, under Chapter 76 of 1900, that the State had no title when the money had been paid for this land, and asked my certificate, as required by that Act, to that effect. I declined to make the certificate.

Mr. R. E. Wilson, who was Reading Clerk of the House in 1900, called my attention to the fact that the law was not printed as it had passed the House, and that he thought an examination would disclose the fact that these claims based upon failures of patents on titles from the Secretary of State's office had been stricken out of the bill. Upon such suggestion I instituted a search and found that the enrolled bill compared precisely with the language of the published Act. I then got Senate Bill No. 125, as it had passed both Houses, and found interlined in pencil at the end of the first line of Section 4 of the original bill, "or Secty. of State." I then went to the journals of the two Houses and found, as Mr. Wilson had suggested, that the pencil-written words had been expressly stricken out, as will appear to the committee by reference to these journals. I saw Judge Brame and Mr. Alexander and again explained all of these matters to them, when Judge Brame told me that he understood it and that he was with Mr. Carlisle before the conference committee in which the

House committee in that conference agreed to recede from its amendment to the bill, the amendment being "or Secretary of State," and that it passed as it had originally passed the Senate, and that when they came out of the committee room he told Mr. Carlisle that he thought the old Wineman matter was dead forever and he might as well drop it. He insisted, however, as did Mr. Alexander, that the enrolled bill, as signed by the Speaker of the House, President of the Senate, and the Governor, concluded the matter, and I would not be permitted to go behind it in the courts; therefore I was bound to go upon the enrolled bill as published in the Act, Chapter 76. They brought up the claim again regularly, and I declined to act on it, and soon thereafter was served by a writ of mandamus, in which the Auditor and Land Commissioner were also made parties, to show cause in the Circuit Court of Hinds County why we should not act upon the Wineman claim as required by Chapter 76. I refer to the pleadings in this case now under consultation in the Supreme Court room as an exhibit to my testimony. The Circuit Court ruled that I must say officially whether the State had title or not at the time the patents were issued. I appealed to the Supreme Court where a transcript of the proceedings will be found. The case was argued orally last October. I have had several conversations with Mr. Carlisle about this matter, and he said to me more than once that he was as much surprised as myself or any other man to find in the printed Laws of 1900 the words "or Secretary of State." That he did not know anything about the penciling, but he considered the claim a just one, and thought that the State ought to pay the Wineman money back, but we have never been able to agree upon that proposition. I told him, among other things, that my information was that as a matter of fact Wineman had employed Calvin Perkins, of Memphis, to buy these lands, and that applications were signed in blank in Memphis by irresponsible non-resident illiterate people, who did not want any land, and never intended to apply for it, and when these blank applications were thus filled out, the same parties signed blank deeds there in Memphis, which Mr. Perkins brought to Jackson, and after filling out the blanks, under the laws of 1877 (I do not recall the chapter), putting not exceeding 240 acres in each application, he paid Wineman's money and had his transaction completed. I told him I believed the transaction fraudulent and void, because it was a direct circumvention of the Act of 1877, under which the pretended patents were issued. I could not screw my conscience up to write out of the treasury the amount demanded by Mr. Carlisle as agent for these people, when I felt morally certain that the claim was based upon an original fraud and upon a felonious amendment of Chapter 76 of the Laws of 1900, and I have stood upon that to this time. I may say further that I corresponded with Senator Moore, who was Chairman of the Judiciary Committee of the Senate, who I believe introduced Senate Bill No. 125, and also

with Hon. George Anderson, Chairman of the Judiciary Committee of the House, and with the Clerk of the House, Hon. Pink Smith, and the Clerk of the Senate, Hon. John Y. Murry, and talked with all of these men except, perhaps, Mr. Smith, with reference to the interlineation referred to, to-wit, "or Secretary of State." I made every search that I could to get at the truth of the matter, and arrived at the conclusion above stated.

QUESTIONED BY SENATOR SHARBOROUGH.

Q.—Would the interlineation, "or Secretary of State," in Senate Bill No. 125, Chapter 76, of the Acts of 1900, left out of the bill you now hold in your hand, shut out the Wineman claim if it had been omitted, as is shown by the journals of the House and Senate?

A.—It would.

Q.—On examination, can you say in whose handwriting are the words, "or Secty. of State"?

A.—I can not.

QUESTIONED BY SENATOR VENTRESS.

Q.—General, has any other claim been filed that comes within the provision of the alteration or amendment of this bill except the Wineman claim?

A.—No, sir. I think I have had to pass on more than two hundred claims under Chapter 76 of the Laws of 1900, and this Wineman claim is the only one based upon patents issued by the Secretary of State. There were old claims running back to 1874 for taxes erroneously paid, but no other claim for purchase money to lands embodied by patents issued by the Secretary of State.

QUESTIONED BY MR. CARLISLE.

Q.—Now, General, you wish to state, I presume, that these claims for taxes running back to 1874 were not a part of the Wineman claim, with the patents dated in 1882 comprising the one claim, and no part of the taxes referred to by you were embraced therein?

A.—The Wineman claim was not for taxes erroneously paid, but for purchase money which had been paid for land to which it was alleged they got no title, and I can not say that the Wineman claim for purchase money was presented at the same time that he presented the claim for taxes erroneously paid running back to 1874, but when the claims came for the erroneous taxes in a bundle amounting to several thousand dollars and the Wineman claim, I told Mr. Carlisle that these were the snakes in his bill, and we could not agree about any of them. The tax matters had no reference whatever to the Wineman claim. They were old and out of date, and I plead the statute of limitation.

QUESTIONED BY SENATOR NOEL.

Q.—You spoke of declining to act when the Wineman claim was presented to you and the other officers by the attorneys representing it. Did you make any endorsement of refusal or otherwise at that time?

A.—I made no written endorsement of refusal at that time, but after the mandamus proceedings had been instituted I complied with Section 4 of Chapter 76 by following literally the language of the Act by advising the Land Commissioner, as follows: "I can not advise that the lands patented did not belong to the State at the date of the patents," and embodied this statement in one of my pleas in the Circuit Court, a demurrer to which was sustained.

Q.—Please file a transcript of the pleadings in the suit just mentioned.

A.—I will during the day.

Q.—You spoke of the entries of Wineman made by Mr. Perkins on blank applications being circumvention of the Act of 1877. What, according to your construction, was the purpose of that Act in reference to the limitations of single entries?

A.—Beyond question to limit the entry by one person to not exceeding 240 acres of land, and such entry to be made in good faith by the applicant for the purpose of owning it himself. I also filed a plea to that effect in the mandamus proceedings referred to.

QUESTIONED BY SENATOR SHARBOROUGH.

Q.—You stated a short while ago that you had correspondence with the Clerk of the House, Secretary of the Senate, the Chairman of the Judiciary Committee of the Senate, and the Chairman of the Judiciary Committee of the House. Can you furnish us with a copy of that correspondence?

A.—I can and will do so.

Q.—Are there any other statements that you desire to make or facts you know relative to this matter?

A.—I do not recall anything now, except that I had a conference with the Governor about the matter, not material, I think, to go into this record.

QUESTIONED BY MR. CARLISLE.

Q.—Mr. Attorney General, you stated that when you refused to endorse the payment of the Wineman claim, that I proposed to bring ex-Chief Justice Woods in to learn you the law. Is it not a fact that I simply referred you to a decision of the Supreme Court, in which all of the judges concurred, where they said that the State of Mississippi had never had any fixed policy in regard to the selling or disposing of its land, and in which the question

of fraud by obtaining moneys of purchasers surreptitiously where the State was apprised of the Act before the issuance of the patents that it became a party to the transaction and could not set aside the title? I referred you, Mr. Attorney General, to that decision, which has never been overruled by the courts. I ask this question in explanation of the answer made by you that I made an attempt to learn you the law. I respectfully suggest that you misunderstood me, for I have the highest regard for you personally, and as to your legal attainments, and have never doubted your ability to faithfully discharge the duties thereof.

A.—You referred me to the unreported opinion delivered by Judge Woods in a case of the Delta & Pine Land Company, involving the question as to the validity of entries made, as the Wineman entries were made under the same Act (1877), and I have filed with my brief in the Supreme Court a copy of that opinion. The opinion is to the effect that the State never had any fixed policy with reference to the sale of its public land, and it is true that you did refer me to this opinion by Judge Woods at the time mentioned. That opinion has never been assailed directly so far as I am informed until the Wineman case came up. I am of the opinion that the opinion referred to is erroneous to a fallacy, and I have no sort of doubt but that the court will overrule it in this case, or in the first case in which it becomes necessary to approve or disapprove. There can be no mistake of the legal principal that the public policy of a State is expressed in its highest degree by the Acts of the Legislature of that State. This rule has been positively directly declared by the Supreme Court of the United States and many of the States, and no lawyer who will critically examine Judge Woods' opinion in the case mentioned will, in my judgment, quickly see its errors. Of course, I acknowledge your kind feeling for me, and have dealt with you only as a State official, and the harshest thing that I could say is, that you were a persistent claimant standing upon what you thought to be a legal right, but I have always believed, and I believe now, that you knew that the Wineman claim was based upon surreptitious meddling with the Senate Bill No. 125. I have never accused you of being instrumental in the change, but I could not agree that you should press this Wineman claim with the knowledge that you had of the truth of the whole matter. This is purely a matter of opinion on my part in which you and your counsel have respectfully differed, and I have thoroughly granted that right without any personal feeling in the matter at all.

Mr. George W. Carlisle, being duly sworn, testified as follows:

QUESTIONED BY SENATOR SHARBOROUGH.

Q.—What position do you hold and how long have you held it, and what position did you hold in 1900?

A.—I am now the State Treasurer, and have held such position since the 29th of September, 1901. In 1900, I don't recollect hav-

ing any public position unless it be as a member of the Board of Aldermen of the city of Jackson.

QUESTIONED BY SENATOR VENTRESS.

Q.—What was your business in 1900?

A.—I was a real estate agent.

QUESTIONED BY SENATOR SHARBOROUGH.

Q.—Now, Mr. Carlisle, you can make any statement you desire to make with reference to the interlineation of S. B. No. 125 with reference to the Wineman claim or anything else pertaining to the matter.

A.—Inasmuch as the question of the interlineation or change of this bill has come up, I wish to state that I invite the closest scrutiny upon any public or private act of mine so far as the same may affect the public interest of the State.

The bill, I think, was originally drafted by myself at the suggestion and with the knowledge of the Auditor of Public Accounts, so as to save the trouble of having passed through the Legislature at each session thereof all private claims of various parties. Section 4 of that Act was originally drafted and intended to cover a defect in the law as enunciated by the Supreme Court, in which it stated that the State, under the law, could not refund to parties who had purchased lands from the State prior to the adoption of the Code of 1892, when the office of Land Commissioner was first established. That before such adoption of said Code the patents issued to purchasers of lands from the State were made through the office of Secretary of State, and for that reason the law was not retrospective so as to enable parties to get relief. My recollection is that when the bill went to the House and Senate committees that these words, "or Secretary of State," were stricken from the bill. It was after the adjournment of the Legislature when the laws were being printed in the public press that I saw for the first time in print or in pencil or otherwise the said words, "or Secretary of State." I do not know by whom or by whose authority said bill was so changed. However, it is a righteous law, as much as I regret that it got into the bill in the manner stated above. In answer to the suggestions made by the Attorney General that he did not think that I should persist in collecting a claim of this character, especially when I had been informed of the change in the bill, I beg to say that the matter at the time of the passage of the bill was in the courts, and I do not deem it proper, indeed I can see no legal or moral wrong in insisting upon a just and righteous, honest claim under laws existing before the passage of the Act. I desire to say that when these lands were purchased by Mr. Wineman, that the records in the case will show that the Secretary of State and the Governor's attention was called to the manner in which the lands were being entered or purchased. The

record will show that the reply will show that the State was getting the price asked for the land, that they were of a scattered nature and of little intrinsic value, that they would be put upon the land assessment rolls and thereafter pay taxes. Mr. Wineman bought lands in the same way in various other counties in the State. The courts have upheld such titles until this day. The Delta & Pine Land Company, as well as several individuals of the State, held titles to said lands upon the exact basis upon which these were purchased, and the State of Mississippi resists this claim in Adams County upon the suggestion of fraud. Two Attorneys General for the State, with counsel employed at a fee of \$500, in addition, paid to Mr. C. M. Williamson, have never claimed that the State of Mississippi had a shadow of a title to the lands embraced in the Wineman patents. The record in the case will show that the State of Mississippi had disposed of the identical lands to a company known as the Homo Chitto Improvement Company, which in turn had passed its title to private parties in Adams County. That if the Secretary of State at the time of the transfer of these lands to the Homo Chitto Improvement Company had made the proper notation upon the land records in his office, he would have given notice to the world that such lands were not held by the State and subject to sale, and that Mr. Wineman or anybody else would not have come in fraudulently, as claimed, and otherwise have put his money into the State treasury and got absolutely nothing for it. There has been a great deal said about this Wineman claim. It has been put down as a fraud; that the title was obtained from the State fraudulently, when in fact there could be no fraud perpetrated on the State, because the State held nothing to be defrauded out of. The assessment roll in Adams County will show that for twenty-five years before the name of Wineman was known in the State, that these lands were assessed upon the assessment rolls to Mrs. Gastrell and others, and the taxes regularly paid to the State and county, and if the contention of the State of Mississippi is correct, the State of Mississippi has been collecting taxes for thirty years or more upon its own lands from private individuals. It is about the year of 1896 that I had this claim first placed in my hands. I carefully considered it, although it had not attained any notoriety as to the manner in which it was obtained, and I took it like I have done other claims, believing it to be, as I still believe it to be, a just and honorable claim so far as the State is concerned, in which the heirs of Wineman should be reimbursed. The fact that his titles and the titles of the Delta & Pine Land Company and various other land companies in the State, which titles were obtained in exactly the same manner, have been upheld, proves to my mind conclusively that the titles in Adams County, of which this case is made up, would have been sustained also if the State of Mississippi had not heretofore disposed of the same lands before so selling to Wineman. The credit of the State of Mississippi, in my humble judgment as one of its

citizens, I respectfully suggest, is involved in the return of this money to this claimant. Learned attorneys for the State have never shown — they even disclaim the fact — that the State of Mississippi had any title to convey to this so-called fraudulent purchaser. Mr. Wineman, upon the faith of the State, with its great seal, to all outside appearances of a perfect title, filed his bill in the United States District Court, and then to the Appellate District Court at New Orleans, and through the Chancery Court of the State, spending several thousand dollars in costs and attorneys' fees trying to sustain the title conveyed to him through its highest officials, but was met on every hand with defeat, and for the sole purpose, as the records will show, that in such patents from the State was conveyed absolutely nothing upon which he could stand for a moment. Now comes as a last resort to the State of Mississippi, in which she admits having given nothing, the claimant respectfully suggests that the original price of the lands, amounting to only about \$3,000, be returned to them out of the State treasury, without interest, and in conclusion I wish to say that in the State history a great deal has been said about the State's repudiation of the Planters' Bank bonds and other claims, but in my judgment a failure to pay this claim would be a very indiscreet policy to be pursued.

QUESTIONED BY SENATOR SHARBOROUGH.

Q.— How long, Mr. Carlisle, have you been the agent of Wineman?

A.— My recollection is since 1896. I am not now his agent, except in this claim.

Q.— How many acres of land has Wineman purchased from the State of Mississippi?

A.— I don't recollect, sir. There had been a large quantity of it sold before I took charge.

Q.— Well, give us your best judgment.

A.— Well, sir, about 25,000 acres is about as near as I can recollect.

Q.— How much land did he purchase at the time he purchased the lands now in controversy?

A.— I don't know.

Q.— About how much, Mr. Carlisle, did these lands cost him per acre?

A.— They cost him a uniform price of 25 cents an acre, the same as paid by the Delta & Pine Land Company and any other persons at that time.

Q.— As the agent of Mr. Wineman, how much money has he realized from the purchase and sales of Mississippi lands?

A.— I declare to you and this committee that it is my honest judgment that he has never gotten back from the State of Missis-

issippi the amount of money paid in, with taxes added, and six per cent interest on his money.

Q.— I did not mean to ask you what he received from the State of Mississippi, but how much has he realized from the sale of lands to individuals?

A.— I mean by sales made to individuals. I sold several small tracts; from 50 cents to \$1 per acre was the ruling price for the land.

Q.— I will ask you now, Mr. Carlisle, to give in round numbers the amount — the approximate amount — that Mr. Wineman has realized from the sale of the lands purchased from the State of Mississippi?

A.— I have no knowledge or information that would enable me to answer this question with any degree of accuracy, except to say that I was his sole agent for all of his lands in the State for about four or five years, and that the proceeds of the sales scarcely up a sufficient amount to pay the annual taxes on the same. That the last sale made of these lands was of everything that he had in the State, to the Sage Land Company, for less than 25 cents an acre.

Q.— Is it not a fact the most valuable lands owned by Wineman had been sold before you began acting as his agent?

A.— That might have been so, though I have no knowledge of the fact. In answer also to that, I will say that in the southern part of the State Mr. Wineman's property was regarded as common property. The applications that were made for it were most always accompanied by this statement that the timber had been cut and rafted off, and it was of very little value, therefore the price offered. These are facts.

Q.— Since you have been agent of Mr. Wineman, how many acres, all told, have you sold for him?

A.— I have no recollection of the exact amount. It was sold in small bodies of forty and eighty acre tracts and remitted for the land simply stricken from the list, but I would say 4,000 or 5,000 acres, estimating. That is approximately.

Q.— How many acres of lands are involved in the claim now in controversy pending before the Supreme Court?

A.— There are 7,500 or 8,000 acres.

Q.— Have you any claims other than these claims — the Wineman claims?

A.— I have one or two other small claims.

Q.— For whom?

A.— One for Mr. St. John Waddell, of Memphis, a lawyer there. All have been plead the statute of limitation on.

QUESTIONED BY SENATOR VENTRESS.

Q.— These other claims are not affected by this interlineation of the bill?

A.— No, sir; they are not.

QUESTIONED BY SENATOR NOEL.

Q.—Was there not a suit brought against the State of Mississippi for the money received from Wineman for the land in controversy prior to 1900, and if so, what was the result of that suit?

A.— There was a suit brought. The Chancellor decreed in the case that the State conveyed no title, and upon that decree and in accordance with the law, an application was made to the State for a refund of the money, and upon the refusal of the Attorney General to endorse the claim, a mandamus was sued out in the Circuit Court of Hinds County, which court held that the money should be returned to the Wineman heirs, from which finding the State's Attorney appealed to the Supreme Court, which held that there was no law on the statute books prior to 1892 authorizing the refunding of the money; that the lands having been purchased through the Secretary of State instead of the Land Commissioner, and that the law did not reach the case.

QUESTIONED BY SENATOR SHARBOROUGH.

Q.— Now, Mr. Carlisle, I will now hand you Senate Bill No. 125, and ask you if you have examined this bill before, and if you know in whose handwriting the words, "or Secty. of State," is written in pencil?

A.— This is not an exact copy of the bill as originally introduced. I have never seen this bill or this amendment. I have never seen the pencil words, "or Secty. of State," until this moment, nor do I know by whom, or at whose instance, it was so written.

Q.— Is it not a fact that the bill you handed Mr. E. H. Moore, Chairman of the Judiciary Committee, was handed back to you for correction, and it was corrected, as shown by the bill you now hold in your hand, with the words, "or Secty. of State," left out, written in pencil?

A.— I have no recollection of having had the bill returned to me for correction. My recollection is that the bill was taken and redrafted so as to fit the particular ideas of the author of the bill. The words, "Secretary of State," were in the bill I handed to Col. Moore. I think afterwards the bill was entirely rewritten, but not by myself.

Q.— Please give me the names of all the attorneys and agents you have had connected with you in this transaction.

A.— Brame & Alexander were my regularly employed attorneys in the case.

Q.— Were there any other parties connected with the claim?

A.— Mr. Sidney McLaurin offered to assist me in the claim, for which he was to get a contingent fee.

QUESTIONED BY SENATOR SANDERS.

Q.— When was that offer made?

A.— I don't recollect the exact date.

Q.—Approximate; was it before or after the passage of the bill?

A.— Before.

Q.—Was he interested in the bill at the time it was introduced, in other words, was his proposition accepted?

A.— I told him that if the claim was paid, that of course he would get his contingent fee. It was before the passage of the bill.

Q.—What was the contingent fee?

A.— \$100.

Q.—Was this proposition made to you before the Legislature of 1900 convened, or was the proposition made during the sitting of the Legislature?

A.— I do not positively recollect whether the Legislature had convened or not.

Q.— Have you any data by which you can ascertain this fact?

A.— No, I have not. I have no contract, letter or anything else. I had simply a verbal talk.

Q.—Was there anyone else that was associated with you, or in any manner interested in it?

A.— None, except some friends who believed it to be a righteous measure, but without promise of compensation, and my other attorneys are working also upon a contingent fee.

EXAMINED BY MR. NOEL.

Q.— How much money are these Wineman heirs to receive if it is collected?

A.—They are to receive \$2,000. In other words, there is only a fee of \$1,000 which includes the court costs, the attorney's fees and the commissions to me.

QUESTIONED BY SENATOR SHARBOROUGH.

Q.— Is it not a fact that it was your understanding at the time this bill, Senate Bill No. 125, passed the House and Senate that it knocked the Wineman claim out?

A.— I will answer that by stating that I knew nothing of the passage of the bill in its present form until I saw it printed in the newspaper.

Q.— Did you know at the time the bill passed the House and Senate that it passed in its actual form, or passed as it now appears with the interlineations in the bill?

A.— When the bill failed to pass the committee with the words "or Secretary of State" I lost interest in it, knew nothing further what became of it or what was being done with it.

Q.— I will ask you his question, Is it not a fact that when the bill failed to pass with the words "or Secretary of State," it was then that you realized that the Wineman claim was knocked out, and hence you lost interest in the bill?

A.— I did not hope to get relief under the bill when I found the words referred to eliminated. I did not abandon my hope of the measure, because I believed it honest and just and a righteous claim which the State would some day do itself credit to pay.

Q.— Did you at the time this bill passed the House and Senate and signed by the Governor have any other claims other than the Wineman claims against the State?

A.— I had the two other claims referred to heretofore against the State. I have presented several since under the law—under this bill—but not exactly based upon the same claim as the Wineman claim, but have never been able to pass one because the Attorney General has plead the statute of limitation.

EXAMINED BY SENATOR NOEL.

Q.— In your testimony you stated that the record shows that the attention of the Governor and Secretary of State were called at the time to the fact that Mr. Perkins, through irresponsible persons, had made numerous entries of land for Mr. Wineman's benefit, and that they acted notwithstanding such information, to what record did you refer?

A.— I don't mean to say in this testimony that the Governor and Secretary of State at the time thought it wrong to have these lands purchased in this way, but the testimony in the case of Wineman against Gastrell, in the District Court of the United States at Jackson, will show that this testimony was brought out that they had knowledge of the fact that the lands were being bought by various parties and immediately transferred to one individual. And while it is not germane to the question, the law, the letter of the law, has been violated in that respect every year since it was put upon the statute book by the citizens of the State of Mississippi.

Q.— Did not the Act of 1877, under which the Wineman claims originated, prohibit any person acquiring more of the lands covered by it than 240 acres, and required an oath, or certificate, from each person making application for such lands that he intended to use the lands for his own benefit, and did not make an entry for any one else, and is it not a fact that all the certificates, or patents, under which the Wineman claim for money from the State treasury are now based were issued upon the faith of the truth of such representations and to the individuals who made the representations?

A.— Such was the law then as to the manner of making the applications, and such is the law now, but as heretofore stated, the record in that particular case of Wineman will show that the State through its officials had knowledge of the manner in which it was receiving the money for such supposed lands. They were so obtained, but with the knowledge of the State.

Q.— The State consists of the people composing it, their officers being men with delegated functions. Do you mean to say

that the people of the State of Mississippi knew that lands were being obtained by Wineman in violation of the law which was enacted by the Legislature?

A.— I don't mean to say literally that the people of the State as a whole composing its citizenship knew it, but that its officials in whose power they rested their agency acted for them, and as I understand it, should be bound by it, as other agents would be.

Q.— Do you mean to say that an agency authorizes an agent to violate the instructions of his principles or the law of the land, and do you not know that Mr. Wineman, when he purchased this land, was bound to have known that the law prohibited his purchasing it in the manner he did, and that such officer could not permit such violation of the law in a way that would either exculpate himself or Mr. Wineman?

A.— I mean that it was considered a matter of public policy in the interest of the State of Mississippi to have transferred from the State's non-taxable property lands of little value, which were only being held at twenty-five cents an acre, to any and all persons than to permit it to remain untaxed. I do not believe that the officers in charge of the government at the time acted upon any other motive than that of doing what they believed to be to the best interest of the State. If they technically violated the law it was not with the view of wrong, but as a matter of public policy in looking to the revenue of the State.

Q.— Do you not know that no authorized work accepted by the legal profession as authority holds that public policy justifies an officer violating the law, and especially the granting of patents to people whom he is prohibited by law from granting them?

A.— I am not a lawyer and I am not capable of concluding now what the motives of the parties were. I have always regarded them as honorable, both in private and public life, and I can not make up my mind to go on record in public condemnation of their acts, which may have been actuated by the most honorable purpose.

Q.— Were not these lands for which compensation from the State is sought by litigation now pending purchased along with a great quantity of other lands by Mr. Wineman as a matter of speculation?

A.— They were purchased at the same time as were quite a quantity of other lands, and in my judgment were purchased for profit, or speculation, as you may term it.

Q.— Was not the title of the State divested by Mr. Wineman and his attorneys and tools through fraud and perjury upon a naked and false pretense that the claimants wanted the land for their own use, when actually they wanted it for Mr. Wineman and had already conveyed their contemplated rights?

A.— As to these lands for which this claim is made, there was not nor could there be any fraud. The State of Mississippi did not own a shadow of a title to these particular lands, but as to other lands they were purchased, in my judgment, surreptitiously

with the knowledge of the State, as heretofore stated; or in other words, irregularly and not in accordance with the strict letter of the law.

Q.—Were not the applications to the lands in controversy false and perjured, and was not this fraud and perjury conceived and carried out by Mr. Wineman, or his attorneys and his dupes?

A.—This whole transaction was consummated before I had any knowledge of any of the parties concerned. The information that I got is from the record in the case, which admits that they were purchased in an irregular manner.

Q.—Does not Chapter 14 of the Acts of 1877, in Section 3, page 34, especially provide "That no person shall be allowed to enter more than 240 acres under the provision of this Act," and was not this provision of law violated in the entry of every acre of land for which compensation was sought by the alteration of Senate Bill No. 125?

A.—I am of the opinion that the letter of the law was violated in so far as it applied to lands that were purchased from the State under this Act, but where the State conveyed nothing in the patents I fail to see where there could be fraud.

Q.—From what view of that law, or any other law, do you gather the idea that the spirit or intent of the law was otherwise than that no man should acquire a title through entries there provided for more than 240 acres?

A.—I know of no other law. I can't pass upon the consciences of men. I hesitate to charge an intentional wrong unless I could show some motive or pecuniary gain to be derived therefrom.

Q.—Can you state an instance in the history of Mississippi in which a transaction such as this, where the claim grew out of a violation of law and notwithstanding its violation created a legal obligation against the State?

A.—I know of no parallel case to this in which the State of Mississippi converts or pays into its treasury money from any source and gives absolutely nothing in return.

Q.—Do you not know that as a general rule of law if a man invests money in a criminal or fraudulent transaction, the law affords him no relief from getting it where he places it to promote a fraud or a crime?

A.—As heretofore stated, I am not a lawyer and do not know that such is the rule. I base my reason upon the idea that no individual or State would want to retain something for which it gave nothing in return, notwithstanding it might be obtained by it through fraud.

Q.—Do you not know that the State of Mississippi, or its counties every day obtain sums of money from individuals who owe it nothing, simply as a penalty or punishment for crime, and is not this about the only punishment that could be inflicted in a case of his sort?

A.— I suppose that you have in mind a fine imposed for a criminal offense against the laws of the State, and in such cases I suppose it is the law.

QUESTIONED BY SENATOR VENTRESS.

Q.— Mr. Carlisle, during the session of the Legislature of 1900 did you not prepare and have introduced through Mr Gardner a private act for the release of Mr. Wineman?

A.— I don't recollect now of such positively, but if so it was superseded by this bill of a general character.

Q.— Don't you remember, Mr. Carlisle, that after that matter had been brought before the Committee on Local and Private Legislation, of which I was chairman, that after some discussion of this bill, and after you became convinced that there would be an unfavorable report made upon it, that you requested me, as chairman of that committee, to hold the bill up and not report it at all?

A.— I have worked so hard in the courts and in the Legislature on this bill, that I have no positive and distinct recollection of that fact, but it is possible, and if your recollection is such I don't deny it.

Q.— I will ask you further, Mr. Carlisle, if at some time afterwards, at the very heel of the session of the Legislature of 1900, if you did not, through Mr. Gardner, who introduced the bill, have that bill withdrawn from the consideration of the committee and the Legislature?

A.— I have no positive recollection of that fact. I have an indistinct recollection that some such bill was pending, but whether or not I asked its withdrawal I could not now positively say, but in as much as I hoped relief under the general bill, which was then also pending, that it may have been withdrawn.

Q.— Is it not a fact, Mr. Carlisle, that in this private bill for the relief of the Wineman heirs that an appropriation of between \$6,000 and \$7,000 is asked?

A.— The bill you refer to if introduced, and I am inclined to think from my best recollection now that it was, that it did ask for something about that amount but it was upon the established custom and the law that the State would pay six per cent interest on all moneys due by it. That was the law up to the adoption of the bill known as Chapter 76 which superseded all laws upon claims of that character. In that bill only the principal is allowed, that is the reason of the difference now between the present claim and the claim then.

Q.— Mr. Carlisle, is it not a fact that Mrs. Gastrell and Raymond paid taxes on the Wineman lands in controversy?

A.— They and the holders of the titles from the original purchaser, the Homo Chitto Improvement & Navigation Company, heretofore referred to, have paid all taxes on this so-called Wineman land for over thirty-five years.

QUESTIONED BY SENATOR SHARBOROUGH.

Q.—Were any of the Wineman heirs here while this bill, Senate Bill No. 125, was being considered by the Legislature? Were any of them in the State?

A.—No, sir, they were not.

Q.—Did any other party have anything to do with this bill other than the parties whose names you have given us who were interested in this matter?

A.—None.

Mr. John Y. Murry, being duly sworn, testified as follows:

EXAMINED BY SENATOR SHARBOROUGH.

Q.—Please state your name, age and place of residence.

A.—John Y. Murry; 39 years of age; Ripley, Miss.

Q.—State if you hold any office now and if you held any office in 1900, and if so, what office did you hold?

A.—I am now and was then Secretary of the Mississippi State Senate.

Q.—Were you Secretary during the meeting of the Legislature in 1900?

A.—I was.

Q.—I hand you Senate Bill No 125, together with the enrolled bill, same number, and ask if you have examined these bills since the Legislature of 1900 adjourned?

A.—I have.

Q.—I will ask you, Mr. Murry, who prepared and kept the journal of the Senate during the session of 1900?

A.—I and my assistants, under my direction.

Q.—I notice, Mr. Murry, that the bill you now hold in your hand, No. 125, has been interlined and the words "or Secretary of State" appear in the margin of the bill, and that the journal shows that those words were stricken out of the bill on its passage in the Senate. Please state in your own way what knowledge or information you have relative to this matter.

A.—The journal shows that the words mentioned were never in the bill officially or rightly. The bill as originally written and as passed the Senate did not contain the words "or Secretary of State." The Senate Journal of 1900, page 512, shows the report of the Clerk of the House of Representatives reporting this bill to have passed the House "with accompanying amendments," one of the amendments included was the one here referred to, namely, to include the words "or Secretary of State." On page 535 of said journal the Senate refused to concur in House amendments and requested a conference committee of the House touching the disagreement of the two Houses thereon. Page 537 shows the report of the Clerk of the House reporting that the House had receded from its amendments to this bill, which left the bill as it had originally passed, that is to say, without the words

"or Secretary of State," in it. I have no knowledge as to how these words appeared in the bill. They were not in the bill when it left the Senate after its passage and was delivered to the House. I don't know the handwriting and never knew that the words had been inserted until some months after the session of 1900, when Mr. Attorney General McClurg called my attention to the fact and asked my assistance in discovering their origin. The rule is when a bill originating in one House is proposed to be amended in the other that the amendment proposed shall not be inserted in the original bill, but shall be reported to the House wherein it originated on a separate piece of paper accompanying the bill. When this bill came back from the House I assume that it was at once delivered to one of the several enrolling clerks it was necessary to have at that stage of the session. It being, as I now recall, within a very few days of the close of the session and there being a great rush of bills for enrollment. Upon receipt of the Attorney General's letter I at once repaired to Jackson, examined the bill with interlineation therein, interrogated the clerk that enrolled the bill, but was unable to locate the party that inserted these words. I do not know the handwriting.

QUESTIONED BY SENATOR VENTRESS.

Q.—Was the Senate Journal correctly kept during the session of 1900?

A.—I think so, sir; I gave it my personal attention, was very careful, had all the originals returned and carefully compared.

Q.—If this interlineation had been there when this bill was finally returned from the House, would you not have noticed it?

A.—Not necessarily.

Q.—If this interlineation had been in the bill when it was first returned to the House, being contrary to the rules of the House and Senate, would you not have noticed it?

A.—If I had read the bill when called up for action touching the amendment I am sure I should have noticed it. If my assistant was reading at the time I probably should not have noticed it.

Q.—Mr. Murry, who were your assistants during the Legislature of 1900? I mean assistant secretary, enrolling and recording clerks?

A.—Mr. L. F. Chiles was my duly sworn assistant. During a part of the session I had as stenographers Miss Nettie Ratliff, of Raymond, and Miss Mattie Cavett, of Jackson, and had two or three other enrolling clerks at the close of the session, as was necessary, but whose names I can not now recall, they having been secured at my request by Mr. Chiles, who lived in Jackson and knew them.

Q.—While this bill was in your possession as far as you know were these the only parties that officially had any connection with the bill, that is, while it was in your office?

A.—As far as I now recall it, Mr. Chiles and myself were the only parties who had anything to do with this bill or the records while this bill was pending, except the young lady, Miss Cavett, who enrolled it.

Q.—Do you know whether anybody connected with this Wineman claim had anything to do, or recommended to you or to your assistant, the clerk who enrolled the bill?

A.—No, sir; I needed another stenographer, and being unacquainted with suitable stenographers in the city of Jackson, I requested some one to give me the name of a suitable one. This stenographer's name was not suggested to me except in response to my request for additional help, and not by any one connected in the remotest degree, as I now recall, with anybody lobbying for this claim.

Q.—Did anybody connected with the Wineman claim recommend any one else who was connected with this office during the session of 1900?

A.—I think not.

QUESTIONED BY SENATOR SHARBOROUGH.

Q.—Mr. Murry, are these words, "or Secretary of State," fraudulently inserted in the bill?

A.—They are fraudulently or wrongfully; that is to say, they were not in the original bill as it passed the Senate. They were not put there by me or under my direction, and unless it was done in the House in ignorance of the rule that it was not permissible to make any alteration on a bill originating in the other House, it was done fraudulently and with intent to do that which the Legislature had refused to do, as shown by the records.

Q.—Who, Mr. Murry, other than yourself, had authority to amend by striking out or inserting in the bill the word or words, or to make any change in a bill or measure pending in the Senate?

A.—No one but Mr. L. F. Chiles, my sworn assistant.

Q.—I will ask you, Mr. Murry if these words, "or Secretary of State," are in the handwriting of Mr. L. F. Chiles, your sworn deputy?

A.—I am sure they are not. Mr. Chiles is still my assistant, and is present and can answer that question himself.

Q.—Is there any other statement that you desire to make about this matter?

A.—I think of nothing in addition to the foregoing, except that I went over this matter in some correspondence with Attorney General McClurg, which I suggest that you refer to.

Mr. E. H. Moore, being duly sworn, testified as follows:

EXAMINED BY SENATOR SHARBOROUGH.

Q.—Please state your name and residence.

A.—E. H. Moore, Rosedale, Miss.

Q.— State if you hold any office now, and if you held any office in 1900, and if so, what office you held.

A.— I have been State Senator from the Thirtieth Senatorial District continuously since January, 1894, and occupy such position now.

Q.— State if you were a member of the Judiciary Committee of 1900, and if so, what position you held on said committee.

A.— I am now chairman of the Senate Judiciary Committee and have held such position continuously since the opening of the Legislative session of 1896.

Q.— Do you remember who composed the Senate Judiciary Committee during the legislative session of 1900?

A.— The committee was composed of in addition to myself, Senators Dinsmore, Campbell, Meek, Noel, Clinton, Falkner, Adams, Gardner, Evans, Sharborough, Ventress, Chrisman, Lee, Dunn, Farley, Torrey, Ballenger and Jones. It is my recollection that Senator Bradley was added to the committee. Senator Dunn was the painstaking and efficient Secretary of the committee.

Q.— Mr. Moore, I hand you Senate Bill No. 125, look at it and examine it, and see if this bill was before your committee for consideration.

A.— I have examined the bill and remember it very well. The bill was carefully considered and acted upon by the Senate Judiciary Committee at its session of 1900. All of the interlineations written in ink except alone where red ink is used are in my handwriting. I find an interlineation in pencil that was not written by me.

Q.— Have you investigated this matter, and if so, are you able to say how the words "or Secretary of State" came to be in the bill? State fully the history of the bill, the course it took, final action, etc.

A.— Some time during the session of 1900 Mr. George W. Carlisle handed to me for inspection a bill very nearly similar to this Senate Bill No. 125, except that the bill so handed to me by Mr. Carlisle contained a provision for the refunding of purchase money with interest thereon where sales had been made by the Secretary of State as well as other officers, and the title had failed. Mr. Carlisle suggested the necessity for such legislation in order to provide a means for refunding moneys collected by the State for lands sold to which lands the State had no title without the necessity for a multiplicity of local and private bills making restitution. I submitted the bill mentioned as being handed to me by Mr. Carlisle to the Judiciary Committee, which committee was pleased with the general tenor of the bill and with its general provisions, except that it was unanimous in its condemnation of the provision providing for restitution of any money paid for lands purchased through the office of Secretary of State. The committee referred especially to the Wineman claim and unanimously declared that it would never support a bill which permit-

ted or authorized the payment of the Wineman claim, which claim arose by means of sale of lands made through the office of the Secretary of State. The bill which I now hold in my hand, being Senate Bill No. 125, was then most carefully considered by the full committee and favorably reported. As I now recollect it every member of the committee was emphatic in his determination to guard the bill carefully against any possible provision providing for payment of any claim arising under any land sale made by the Secretary of State, and the words which I now find interlined in pencil and reading "or Secretary of State" were not in the bill or any part thereof when the bill was considered and adopted and reported by the Judiciary Committee. I can not tell when such pencil words were inserted in the bill, but I do know that they were not there when the bill was considered and passed by the Senate.

After the bill had been considered by the committee and the report agreed upon, I, as chairman of the committee, had charge of it and had it in my possession all of the time until delivered to the Secretary with my report.

After the bill had passed the Senate and been sent to the House the Senate was advised by the House that the bill had been passed by that body with an amendment. Upon inquiry it was discovered that the proposed House amendment provided for the refunding of moneys paid for lands purchased through the office of Secretary of State, and the Senate, I think upon my motion, refused to concur in such amendment and the conference committee was appointed. I was a member of such conference committee upon the part of the Senate, and with the other members called at once upon Hon. George Anderson, then a member of the House and the author of the amendment, and explained to him the objections of the Senate to same and the result of such amendment. Mr. Anderson replied that he had not been fully informed as to the result of such amendment when offered, that he had offered same by request and that now being fully informed he condemned the same as strongly as did any member of the Senate. He further stated that a meeting of the conference committee would be unnecessary, because he would immediately withdraw the amendment named, and that the bill would be passed by the House just as it came from the Senate for the reasons stated. There was no session of the conference committee and the bill was never returned to the Senate for concurrence in any amendment whatever.

Several months after the adjournment of the Legislature of 1900 I was advised that the penciled words referred to were found in the original bill and was exceedingly surprised.

I know that the bill contained no such words when voted upon in the Senate, and that it was never returned to the Senate with any House amendment except as herein above stated, and such amendment was never considered or voted upon in the Senate

because of Mr. Anderson's declaration that the amendment would be by him withdrawn and the bill passed just as it came from the Senate.

Q.—I will ask you, Senator, if Mr. Anderson stated to you at whose request he offered the amendment?

A.—I can not now say positively whether or not Mr. Anderson gave me the name of the party asking that he offer the amendment referred to. I will add that the amendment offered by Mr. Anderson was on a separate slip of paper and that the interlineations had not been made in the bill when Mr. Anderson stated that he would withdraw his amendment.

Q.—With your knowledge of the introduction, consideration and passage of the bill would you say that the words "or Secretary of State" are false and fraudulently entered in said bill?

A.—I can say that from my personal knowledge of legislation in regard to this bill that the insertion of the words "or Secretary of State" was fraudulently and surreptitiously done, and that it was never the intention of the Legislature, in so far as that bill is concerned of permitting the refunding of any moneys on account of failure of title where the deeds had come from the office of the Secretary of State.

Q.—Senator, is there any other statement that you desire to make?

A.—I believe there is nothing that I can add to the foregoing, I now recall nothing further.

Judge George Anderson, being duly sworn, testified as follows:

EXAMINED BY SENATOR SHARBOROUGH.

Q.—State your name and place of residence.

A.—George Anderson, city of Vicksburg.

Q.—State, Judge, whether or not you held any office during the year 1900, and if so, what that office was.

A.—I was a member of the Lower House of the State Legislature, representing Warren County.

Q.—State whether or not you were a member of the Judiciary Committee, and if so, what office you held on said committee.

A.—I was chairman of the Judiciary Committee of the House.

Q.—State whether or not you are now a member of the Legislature, and if not, what office you now hold.

A.—I am not a member of the Legislature now, but am Judge of the Ninth Circuit Court Judicial District of Mississippi.

Q.—I now hand you Senate Bill No. 125, will you please examine that bill and state your recollection of its passage in the House, and if such bill was before your committee for consideration and what action was taken by your committee and the House. State fully all you know about it.

A.—This bill was before the Judiciary Committee of the House that "it do pass." When the bill passed the committee

and came up for consideration in the House the interlineations in the first line of Section 4, "or Secretary of State," after the words "the land office," was not there, but while the bill was being considered Mr. G. W. Carlisle came to my desk and requested me to offer an amendment adding the words "or Secretary of State," and gave me what I thought to be good reasons for the amendment to be made proposed by him. I thereupon wrote out the amendment on a separate slip of paper and sent it up to the clerk's desk and it was finally adopted by the House. My recollection is that when the bill went back to the Senate that body refused to concur in this amendment. It came then back to the House for action and then my attention was called by some member of the Senate, I think it was Senator E. H. Moore, to the vice in the amendment, and I at once moved that the House recede from the amendment, which it accordingly did, and the bill then passed the House as it originally came from the Senate, with the words "or Secretary of State" left out. The first that I knew of these words being in the bill was when the Attorney General wrote me a letter some time in January, 1901, asking me what I knew about the matter. I made investigation at once and wrote him all I remember on the subject, which was substantially as I have stated here. I don't remember that I ever saw the bill during its consideration in the House or after it left the hands of the Judiciary Committee until it had been enacted into a law and until my attention was called to it by the Attorney General. I had no idea how the words "or Secretary of State" came to be left in the bill as passed.

Q.—Will you please examine these words "or Secretary of State," as they appear in the bill, and say whether or not you can identify the handwriting?

A.—I can not identify the handwriting. I have no idea in the world who wrote it. I never saw them written, neither did I know they were there until my attention was called to the fact by the Attorney General.

Q.—Then, I believe, you state positively and emphatically that the bill No. 125 that passed the House and became a law did not contain as it passed the House the words "or Secretary of State"?

A.—Yes, sir.

Q.—I will ask you this other question, Did any party other than Mr. Carlisle speak to you with reference to this amendment, known as the interlineation?

A.—No, sir; my recollection is that he is the only person.

Q.—I will ask you this question, Was Mr. Carlisle in any way interested in a bill that provided for payment of lands that would come under a bill of this character?

A.—Not that I know of. He never told me of any personal interest that he had in such a bill.

Q.—State as near as you can what the conversation was between Mr. Carlisle and yourself at the time he came and asked

you to so amend the bill as to include the words "or Secretary of State."

A.— It was substantially about as follows: Mr. Carlisle called my attention to the fact that formerly these State land matters were under the supervision of the Secretary of State instead of the Auditor of Public Accounts, and that he thought that the bill should be so amended as to include the Secretary of State in order that lands formerly under his supervision should be embraced in the act.

Q.— From your knowledge of this bill, its consideration and passage, would you say the words "or Secretary of State," as interlined with pencil, are fraudulently inserted in the bill?

A.— Yes, I say so without hesitation.

Q.— Do you know, or can you give us any idea who inserted the words interlined?

A.— I do not know, nor can I give you any idea on the subject. Mr. L. F. Chiles, being duly sworn, testified as follows:

EXAMINED BY SENATOR SHARBOROUGH.

Q.— Please state your name and place of residence.

A.— L. F. Chiles, Jackson, Miss.

Q.— What position did you hold, if any, in the Senate of 1900?

A.— Assistant Secretary of the Senate.

Q.— Who, Mr. Chiles, had control, the care and custody of bills and amendments pending the consideration of bills in the Senate?

A.— The Secretary and his assistant.

Q.— Mr. Chiles, I now hand you Senate Bill No. 125 of the session of 1900, will you please examine the bill and state if you know in whose handwriting are the words written in pencil, "or Secretary of State"?

A.— No, sir, I could not swear whose it is. I can state this, that the words were not in the bill when it left the Senate for the House, and the first time I ever saw them was some months after the adjournment of the Legislature when Mr. Wineman put in his claim and Mr. Murry wrote me to go to the Secretary of State's office and examine the original bill, which I now hold in my hand. Then it was for the first time that I ever saw these words, "or Secretary of State," written in the bill.

Q.— Did you insert the words in the bill, Mr. Chiles?

A.— I did not.

Q.— Do you know the handwriting?

A.— I do not; I could not say.

Q.— Who enrolled this bill?

A.— Miss Mattie Cavett.

Q.— Have you any knowledge or information who inserted the words written in pencil, "or Secretary of State"?

A.— I have no knowledge or information.

Mr. L. Pink Smith, being duly sworn, testified as follows:

EXAMINED BY SENATOR SHARBOROUGH.

Q.—Will you please state your name and residence?

A.—L. Pink Smith, Greenville, Miss.

Q.—What position, if any, did you hold in 1900?

A.—I was Chief Clerk of the House of Representatives.

Q.—I hand you Senate Bill No. 125 of the session of 1900, will you please examine the bill and say whether or not this bill passed the House of which you are clerk with the words "or Secretary of State" in the bill?

A.—It did not. As I remember it the bill passed the House with an amendment to insert the words "Secretary of State."

Q.—Were these words written on a separate slip of paper or were they written in the bill?

A.—They were written on a separate slip of paper, because the Clerk of the House has no authority whatever to insert anything in a Senate Bill, and I never did it.

Q.—I will ask you, Mr. Smith, if you can state in whose handwriting are the words interlined, to-wit, "or Secretary of State"?

A.—I don't know the handwriting, but I am sure it is not that of any of the assistants of the Clerk of the House.

Q.—Have you any knowledge or information relative to who inserted these words, "or Secretary of State," as they appear in this bill?

A.—None whatever.

Q.—If these words were inserted in the bill while it was in the House being considered were they fraudulently inserted in the bill?

A.—Certainly, there is no question about it. The amendment adopted by the House was attached on a separate slip of paper to the bill and was transmitted to the Senate by regular message, and the Senate declined to agree to the House amendment, and that the House receded from its amendment, making it practically impossible for the illegal insertion to have been placed in the bill while in the House.

Mr. C. H. Alexander, being duly sworn, testified as follows:

EXAMINED BY SENATOR SHARBOROUGH.

Q.—Please state your name and place of residence.

A.—C. H. Alexander, Jackson, Miss.

Q.—What is your profession, if any?

A.—Practicing attorney.

Q.—Mr. Alexander, the object and purpose of this investigation is to ascertain if we can when and by whom the interlineations "or Secretary of State," in Section 4 of Senate Bill No. 125 of the Legislature of 1900 was inserted in said bill. I now hand you Senate Bill No. 125, and will ask you to please examine that bill and state if you know when or by whom these words were written in said bill?

A.— I never saw this bill before and have no knowledge whatever relative to the interlineation of the words "or Secretary of State." I did not know that there was a bill containing any such provision passed until after the adjournment of the Legislature.

Q.— Please examine the interlineation, or the words written in pencil, and state if you know in whose handwriting the words are.

A.— I do not.

Q.— I will ask you, Mr. Alexander, if you were attorney for Mr. Carlisle or the Wineman heirs and represented them in the courts of the country relative to certain lands purchased by Wineman, or at his instance?

A.— We have been the attorneys of Marx Wineman, that is to say, my old firm of Brame & Alexander, prior to the death of Wineman, and since then for his heirs, not in reference to these lands but for the specific purpose of collecting from the State the purchase money for the lands. We were not employed until after the litigation with Wineman for the lands had terminated adversely to Wineman and he had lost the lands and had his titles cancelled. We were then employed to collect the amount of purchase money paid to the State.

Q.— When and by whom were you employed?

A.— I do not recall the time. It must have been six or seven years ago. We were employed through George W. Carlisle after correspondence with Wineman, Mr. Carlisle stating that he represented the Winemans for the purpose of collecting this money.

Q.— Were there any other attorney or attorneys connected with you in this matter, and if there were will you please give us their names.

A.— The records show that Wineman was represented by another attorney in the litigation in which he lost the lands. No other attorney has ever been associated with us in this litigation.

Q.— What interest, if any, did Mr. Sidney McLaurin have in the suit?

A.— None whatever in the litigation. My knowledge of any interest he may have had in securing the passage of a bill is not personal but rests on information. I think he was asked to see certain members of the Legislature and explain the bill and in this way aid in its passage. I desire to state in this connection that our first step when employed for Wineman was to file a petition or application before the Land Commissioner under the statute. He seemed to favor the measure, or at least was not adverse to it, but the then Attorney General advised that the remedy lay in the courts. The statute (Code 1892) provided that the purchase money in such cases should be refunded only when the title of the purchaser was held void in a proceeding to which the Land Commissioner was a party. We therefore instituted a suit in the Chancery Court at Natchez, making Col. Simonton, the Land

Commissioner, a party, and praying that if the State asserted any title or claim it should disclose it. The suit was revived in the name of E. H. Nall, Land Commissioner. Hon. C. M. Williamson was employed by the Governor to look after the interest of the State. A decree was rendered adjudicating that the State's title conveyed to Wineman had failed. We then again made application to the Land Commissioner for a refund of the money, but being refused brought a mandamus suit in the Circuit Court of Hinds County to compel the repayment. This suit was defended by Mr. Williamson, but we got a judgment and the State appealed. It was reversed because the statute used the word land office, whereas these titles had been procured through the Secretary of State. We next drafted a bill making a specific appropriation to the heirs of Wineman and introduced it in this form, and both Judge Brame and myself went before the Senate Committee on Local Legislation and explained the matter. We were led to believe that the matter would be covered by a general bill, but paid no further attention to the matter. If Mr. McLaurin spoke to any one in reference to the passage of a measure it must have been this specific bill, for I knew nothing of the pendency of this particular bill until after its passage. It is my impression that Senator Moore has stated that he was preparing a general bill under which any just claims of this sort could be collected. I do not think that I was ever consulted about this bill. I am sure that I never spoke to a Senator or Representative personally about this specific bill. All that Judge Brame and I did was to appear openly before the Senate Committee in advocacy for a special bill for the relief of Wineman. I will add in this connection that I have been in Jackson fifteen years, eleven years of the time in partnership with Judge Brame. Neither my old firm nor my present firm has ever accepted any retainer, employment or fee to advocate the passage of any bills before the Legislature. It was part of our expressed understanding that we would never do so.

QUESTIONED BY SENATOR VENTRESS.

Q.—When was this mandamus suit terminated?

A.—To my best knowledge about three years ago. It must have been before we resorted to the Legislature.

Q.—That special act for the relief of Wineman was introduced in the Senate at the session of 1900, about two years ago?

A.—That is my recollection, and I am not sure but that you, Mr. Ventress, were on the committee.

QUESTIONED BY SENATOR SHARBOROUGH.

Q.—Is there any other statement you desire to make about this matter?

A.—I think it proper to state that when we filed a second suit we had no reason to believe, and do not now believe, that

there was any fraudulent interlineations. We heard of this point being made against our last suit, but from our inquiries we believed, and now believe, that it came about in the hurry of the closing hours of the session. However that may be, we have thought from the first that this was a just claim and thought the State should pay it, and our judgment has been twice sustained by the Circuit Court.

Q.—Have you examined the journals of the House and Senate relative to the consideration and passage of this bill?

A.—I have not. So far as I am concerned the matter was presented in the pleas filed by the Attorney General and we demurred to it and our demurrer was sustained.

Judge L. Brame, being duly sworn, testified as follows:

EXAMINED BY SENATOR SHARBOROUGH.

Q.—Judge, I suppose you are familiar with the objects and purposes of this committee?

A.—Yes, sir.

Q.—I will hand you Senate Bill No. 125, passed by the Legislature of 1900, and call your attention to the interlineations in pencil at Section 4, and ask you if you know when and by whom that interlineation was made?

A.—I do not. I have no knowledge or information on the subject whatever. I never saw this interlineation in this bill until after the last mandamus, about which Mr. Alexander has testified, was brought. The Attorney General then informed me of this interlineation. I think it was he who called my attention to it. He showed me the bill with the interlineation. It was either the Attorney General or Mr. Robert Wilson. Mr. Wilson was Clerk of the House, and upon my mentioning the matter to him he referred to the journal, and to my very great surprise showed that this provision embracing the Secretary of State had been put in in the House, and afterwards the bill was referred to the Senate, and the Senate refused to concur in that amendment, and the House receded from it, and that amendment was ordered to be stricken out and the bill passed without these words. That was after the second suit was brought and while it was pending. That was the first that I had ever heard of this matter, and I have no knowledge whatever of this interlineation, or when it was put in the bill, or by whom, nor have I any belief on the subject. I do not know the handwriting of the pencil interlineation. It is roughly written, and I suppose it would be difficult to recognize the handwriting if it was written by one whose handwriting I knew. I think I can state that it is not the handwriting of any one with whose handwriting I am familiar.

Q.—Do you desire to make any other statement in the matter?

A.—I do not except to thank the committee for the opportunity that we have had to appear and make our statements. I refer to Mr. Alexander and myself.

Mr. C. M. Williamson, being duly sworn, testified as follows:

EXAMINED BY SENATOR SHARBOROUGH.

Q.—Will you please state your name and place of residence?

A.—C. M. Williamson, Jackson, Miss.

Q.—What is your occupation, Mr. Williamson?

A.—Attorney at law.

Q.—Have you been employed by the State to represent the State in the suit brought by Mr. Wineman and the Wineman heirs involving certain lands, the titles of which had failed, and if you can answer yes, state what connectin it was, and what was done?

A.—I was employed by the State to represent the State in two suits. One brought by Mr. Wineman before his death in the Chancery Court of Adams County, involving 15,000 or 16,000 acres of land. Mr. Wineman died and his heirs revived the suit. That suit went off on a demurrer, the facts being admitted, but the decree overruled the demurrer. The Attorney General and myself declined to plead further in the case and the patents of Mr. Wineman were canceled. In that suit Mrs. Gastrell was also a defendant and the court decreed that she had title to the land. The court refused to decree any compensation to the Winemans and that ended the litigation in Adams County. Suit was then brought by the Wineman heirs in the Circuit Court of Hinds County, First District. We defended that suit, it being a suit to compel the Auditor to issue a warrant for the money to the Wineman heirs. The litigation in that suit resulted adversely to the Winemans and they appealed to the Supreme Court, and the Supreme Court decided the case against them. That was the extent of my representing the State in any litigation involved. The suit in Adams County was brought in the spring of 1897. At the request of the Attorney General Governor McLaurin employed me to assist the Attorney General in the case and the Legislature paid the fee. The next suit was brought in the spring of 1899, I think, and the whole litigation had terminated, the Supreme Court having decided adversely to the Winemans prior to January 1, 1900. I think it was decided in October, 1899, but I am not sure about that.

Q.—What is your information as to how Wineman acquired title to these lands, and how much did he realize from individuals from the sale of these lands whose titles did not fail?

A.—He acquired title from about 150 people. The quit claim deeds having been executed to him in Memphis on the same day as patents were issued to the several parties here at Jackson. He bought the lands under the provisions of the Act of 1877, which allowed one person to buy not exceeding 240 acres. Mr. Perkins' testimony in the litigation that we had, or in the litigation that was in the Federal Court between Wineman and Mrs. Gastrell, was that Mr. Wineman put the money here in the bank that paid for the

patents that were granted to these several people through whom he acquired title. There was no dispute about this fact in the litigation in the State Courts. We pleaded this as fraud on the State, but it was decided against the Winemans on another question in the case and did not decide whether that was a fraudulent transaction or not. My information as to what Mr. Wineman received from all the lands which he bought is derived from the testimony of the case between the State of Mississippi and Wineman, brought by Attorney General Miller in the Chancery Court of the First District of Hinds County. I think it was Wineman's own testimony. We used his testimony by agreement in the litigation that I was engaged in. That testimony showed that Mr. Wineman had bought about 35,000 acres of the State's lands at the same time that he bought this land in Adams County. He sold and disposed of all except this in Adams County and realized largely more money than he paid to the State for all the land that he bought. I took all of this from the deposition in that Chancery suit. I will say this much, that the Attorney General dismissed that suit before it reached a trial by the Court, because of a decision rendered by the Supreme Court holding that lands bought under similar circumstances were not fraudulent.

Q.—Mr. Williamson, I am going to hand you Senate Bill No. 125, passed by the Legislature of 1900, and call your attention to the words "or Secretary of State," written in pencil in paragraph 4 of said bill, and ask you if you know when or by whom these words were inserted in said bill?

A.—No, sir, I never saw it before and did not know it was there until I heard the Attorney General argue it in the Supreme Court.

Q.—I will now ask you, Mr. Williamson, if you know in whose handwriting the words written in pencil are?

A.—No, sir, I could not tell the handwriting. I don't recognize it at all. My understanding during the Legislature was that the bill did not allow the Wineman claim, and I was very much surprised to hear that another suit was being brought by the Winemans against the State under that law.

Q.—I will now ask you, Mr. Williamson, if you were not before the Senate Judiciary Committee when this bill was being considered by that committee at their request, and if it was not your understanding that the bill was reported back to the Senate without the words "or Secretary of State" written here in pencil?

A.—I was called before the committee and was present when they were considering that bill, and understood from the committee that it did not include the lands claimed by the Winemans for the purchase money. I was there and questioned by the committee specifically about these Wineman cases.

Q.—Is there any other statement that you desire to make in this matter?

A.—No, sir, I have nothing further to say.

Senator W. S. P. Ventress, being duly sworn, testified as follows:

EXAMINED BY SENATOR NOEL.

Q.—State what public position, if any, you now hold and whether you are a member of this committee.

A.—I am Senator from the Seventh Senatorial District and am a member of this investigating committee.

Q.—State whether or not you are chairman of the Committee on Local and Private Legislation, and if you were chairman during the Legislature of 1900, and if so, state what, if anything, you know of any bill or bills before the Legislature of 1900 affecting the Wineman claim.

A.—I would state that I am now chairman of the Committee on Local and Private Legislation and was chairman during the session of 1900 of this Legislature. I will also state that I am at present and was then during the session of 1900 a member of the Judiciary Committee of the Senate. Very early in the session of the Legislature of 1900, probably some ten days or two weeks after the convening of the Legislature, there was introduced in the Senate a bill for the relief of the Wineman heirs and to refund them the purchase price of lands that had been purchased from the State by Marx Wineman, wherein the title of the State granted to Wineman had failed. This bill asked for an appropriation somewhat exceeding \$6,000 to pay said claim. Mr. George W. Carlisle spoke to me about the bill and came before the committee, as I recollect, in relation to it. The committee did not favor the passage of the bill. Afterwards Mr. Alexander, and I think Judge Brame, came before the committee, and Mr. Alexander made quite an argument in favor of the bill. The committee were still unfavorable to the passage of the bill. Mr. George W. Carlisle asked me not to report the bill back to the Senate. Several weeks elapsed, and towards the latter part of the session informed me that the bill would be withdrawn from the Legislature. The bill, a day or two after that, was withdrawn by the Senator that had introduced it by leave of the Senate.

As regards Senate Bill No. 125, my recollection is that the bill came before the Judiciary Committee some little time after the consideration of the bill before referred to for the relief of the Wineman heirs. I remember distinctly that Senator Moore, chairman of the Senate Judiciary Committee, read Senate Bill No. 125 to the committee and remarked and seemed to express a little surprise, too, I thought, that it contained a provision that would cover the Wineman claim. I think that something at that time was said about his rewriting the bill. When the bill was finally passed on, however, by the Judiciary Committee I was not present, nor was I present when Williamson was before the committee.

By reference to the Senate Journal I notice that the bill for the relief of the Wineman heirs above referred to by me was Senate

Bill No. 86, of the session of 1900. Sidney McLaurin neither spoke to me nor was he before my committee in regard to the Wineman claim.

Miss Mattie Cavett, being duly sworn, testified as follows:

EXAMINED BY SENATOR NOEL.

Q.— Did you have any connection with the office of Secretary of the Senate during the session of the Legislature of 1900, or with the enrolling of any bills of that Legislature?

A.— I did; I enrolled some bills.

Q.— Did you enroll Senate Bill No. 125?

A.— I enrolled this bill.

Q.— State in whose handwriting are the words in pencil "or Secretary of State," on the second page.

A.— I don't know; it is not mine.

Q.— State whether or not when the Senate Bill No. 125 was enrolled by you these words in pencil interlined were there then.

A.— If they are in the enrolled bill they were in here when I copied it.

Q.— Do you know anything of the interlined pencil words further than that they appear on the original bill No. 125?

A.— No, sir.

Q.— Where were you when you enrolled the bill and who was present?

A.— In the Secretary of the Senate's office. I could not say positively who was present except Miss Ratliff and myself.

Mr. Sidney McLaurin, being duly sworn, testified as follows:

EXAMINED BY SENATOR SHARBOROUGH.

Q.— Mr. McLaurin, I will ask you when you were employed by Mr. Carlisle if you were employed to assist him in getting a bill through the Legislature providing for the refunding of money to lands purchased from Wineman where the title failed?

A.— I never was employed by Mr. Carlisle to assist him in the passage of any bill through the Legislature to refund the money where the titles to lands failed. During the last session of the Legislature while I was in Jackson one day Mr. C. H. Alexander, an attorney of this city, told me that he was attorney for the Wineman heirs, but had a claim against the State for the refund of moneys where the title to lands bought by Wineman had failed. He stated to me that the claim had been in the courts and that the claimants in the courts were represented by Brame & Alexander, and that the State was represented by Mr. C. M. Williamson. He also said that the case was decided against the claimants in the courts on technical grounds and that Mr. C. M. Williamson, who represented the State in the suit, would state to the Legislature and to the committee that it was a just and equitable claim and ought to be paid. Mr. Alexander and I were on friend-

ly terms and had occasionally assisted each other in legal matters. Mr. Alexander stated to me that he was very busy in his office and requested me to explain the matter to the committeemen. This conversation with Mr. Alexander had reference solely to a specific bill then pending in the Legislature for the payment of the Wineman claim. I never had any contract or agreement with Mr. Carlisle about any fee, nor any contract or agreement with Mr. Alexander about any fee. My recollection is that Mr. Alexander stated to me that he was getting a fee for representing the claimants in the courts, and that it was a contingent fee, and that he was willing to do what was right about the fee, but I can not say definitely about that. I never had any contract or agreement with Mr. Carlisle at all. The bill about which Mr. Alexander and I conferred was the specific bill for the payment of the Wineman claim. As to the general bill for the repayment of claims where the title to lands had failed and the one which is alleged to have been altered I had no connection with it at all, and my best recollection is that I never knew anything of such a bill until after the Legislature had adjourned. I did speak to some members of the Committee on Local and Private Legislation in favor of the passage of the specific bill for the payment of the Wineman claim, and I intended to go before the committee at its meeting and present the bill to the committee, but did not do so for the reason, as I now recollect, that I was out of town when the committee met.

Q.—Mr. McLaurin, I hand you Senate Bill No. 125, passed at the session of the Legislature of 1900, and ask you to examine that bill and state if you know when you first saw that bill.

A.—The first time I ever saw the bill was just now when you handed it to me.

Q.—I now call your attention to the words written in pencil at the end of the first line in paragraph 4, to-wit, "or Secretary of State," and ask if you have any knowledge or information who inserted these words written in pencil?

A.—I have no knowledge or information whatever as to who inserted the words.

Q.—I will now ask you if you know in whose handwriting are these words?

A.—I do not.

Q.—I believe you stated that you had no contract whatever with Mr. Carlisle relative to the Wineman claim?

A.—I made no contract with Mr. Carlisle whatever. I did confer with Mr. Carlisle about the claim at the request of Mr. Alexander, as stated above, and I desire to say further that in regard to the specific bill for the payment of the Wineman claim I did for Mr. Alexander what I would have done for him in any other matter, and if the bill had passed and he had offered to pay me my fee for my services I would probably have accepted it, for in matters where one attorney assists another it is usually customary for the attorney who does the work to leave it to the other

attorney to fix the compensation. Believing the claim, however, to be just upon the statements of Mr. Alexander, I would have been perfectly willing to have done for him what I did do without hope or expectation of any fee whatever. I can not say positively whether Mr. Alexander ever said anything to me about a fee or not, but rather think he did. But all of our conversations, that is, all the conversations between Mr. Alexander and myself and between Mr. Carlisle and myself had reference solely to the passage of the specific bill for the payment of the Wineman claim, and had no connection or reference to Senate Bill No. 125, which is known as the general bill for the repayment where the title to land has failed.

Q.—I understand from your statement that you had no contract or agreement whatever with Mr. Carlisle in this matter. Your contract and agreement so far as your services in the matter was due to an agreement between yourself and Mr. Alexander?

A.—Yes, sir, except that I conferred with Mr. Carlisle, as he was the man who, as I understood it at the time, had charge of the matter as agent for the Wineman heirs. While the Wineman bill was pending I did confer with Mr. Carlisle as to the probability of the passage of the bill, and as to what efforts would be best to secure its passage. Mr. Carlisle may have understood that he was to pay me a fee, but that understanding was not had with me by him, but I do not know what understanding or agreement he had with others as to what compensation was to be made or paid in connection with the debt.

Mr. Calvin Perkins, being duly sworn, testified as follows:

QUESTIONED BY SENATOR SHARBOROUGH.

Q.—Mr. Perkins, if you desire to make any statement relative to your connection, if you have any connection, with the Wineman claim against the State, or with the entries made by Wineman and parties for Wineman of State lands, you can make any statement you desire.

A.—I never had any connection whatever with the Wineman claim against the State, but I did represent Marx Wineman in obtaining entries of about 100,000 acres of what was known as swamp and overflowed lands from the State of Mississippi about May, 1882. I was in Jackson a great many different times during the months of October and November, 1881. While I was here it was a matter of public notoriety upon the streets of Jackson that B. H. Evers, of London, England, who was stopping at the Edwards House, was buying a great many lands in Southern Mississippi—lands that belonged to the class known as swamp and overflowed lands. The report was, and I have no doubt it was approximately correct, that he had obtained entries for something over 200,000 acres of land. The fact was noticed in the newspapers at the time. I remember passing the office of the Justice of

the Peace one day when there was quite a crowd in the office and in front of it, and was told that that was what they were doing—signing papers upon which applications would be made to enter the swamp and overflowed lands for B. H. Evers, or it may have been for his firm, Phillips, Marshall & Co. These entries were all required to be in tracts of not exceeding 240 acres, and without recalling all of the details, I will say that the whole thing was noised abroad in such a way that any one would understand at once that the Governor, in signing these patents, would know just exactly what was being done. It was commented on by the leading State officials in my hearing, and spoken of as a good thing, because it would put the lands on the tax lists, where they would pay taxes, and at that time they were not considered of any value.

Knowing all of these things, and hearing in the spring of the year 1882 that all of the lands had not been entered, I consented to represent Mr. Wineman in obtaining substantially as had been obtained for Mr. Evers, about 100,000 acres of the lands. I had not the remotest idea that I was perpetrating any fraud in making these entries, and before I had paid any money into the treasury on the entries, I heard that Governor Lowry questioned the legality of such proceedings. The money had to be paid at one end of the capitol and the patents obtained from the other—that is, the money was required to be paid into the State treasury, and the Treasurer's certificate showing that the money had been paid was required to be taken to the Secretary of State, who would prepare the patent upon the certificate, and present the same to the Governor for his signature; so, when I heard it intimated that Governor Lowry questioned the legality of the proceeding, I took my papers—that is, my powers of attorney from one of the applicants authorizing me to make application to purchase for him 240 acres under the law and the application, I signing on that power of attorney and also a power of attorney authorizing me to fill in a blank deed which the party had executed to Marx Wineman, with a description of the land obtained for him on the application—and told the Governor what I had heard about his views, and he looked over the papers and questioned me some little about them, and said that he saw no illegality in it, and that I could go ahead and pay the money into the treasury, and he would sign the patents to each individual.

I will add that I did not represent B. H. Evers in the matters that I have alluded to in connection with his name. I never represented Mr. Wineman in any other matter except two lawsuits, one of them in Wayne County, and one of them was in a lawsuit in Coahoma County. I have no way of fixing the exact dates of these cases, but they were both ended within a few years, at the outside two or three, after I had represented them in obtaining the patents as I have stated.

I will also add that I have since been informed that these lands were not, strictly speaking, swamp and overflowed lands alto-

gether, but were possibly in whole, at least in part, lands which were granted to the State as compensation for swamp and overflowed lands which it should have received, but I knew nothing of that at the time of the transactions which I have related. There was no examination or inspection of the lands on behalf of Mr. Wineman, and they were sold as swamp and overflowed lands, and I understood at the time from that fact that they were such. I paid the minimum price of 25 cents per acre for the lands. There must have been in all several hundred applications and patents, because I am confident that approximately 100,000 acres were entered, and it would have required that number of applications to get that amount of land.

The applicants lived in Memphis, and the powers of attorney to me to make the applications were executed in Memphis, and the applications themselves were executed by me in Jackson. My connection with Wineman ended with the two lawsuits that I have mentioned above. I never had any connection with the heirs of Wineman at all, nor with any representative of these heirs. I am certain that my connection with him ceased before 1886. I had no connection with any sale, and do not know what he realized from any sale, or that he ever made a sale.

CORRESPONDENCE AND PLEADINGS FILED AS EXHIBITS TO THE
ATTORNEY GENERAL'S TESTIMONY.

In the Circuit Court of the First District of Hinds County, Miss.

JOSEPH M. WINEMAN *et al.*

vs.

W. Q. COLE, Auditor, *et al.*

Plaintiffs, Joseph M. Wineman, Jacob R. Wineman, Milton R. Wineman, Simon R. Wineman, Belle Kuppenheimer, and Pauline Loewenthal, complain of the defendants, W. Q. Cole, Auditor; Monroe McClurg, Attorney General, and E. H. Nall, Land Commissioner, and by way of showing a cause of action, state the following facts:

Plaintiffs are non-residents of the State of Mississippi, being resident citizens of the State of Illinois. They are the sole heirs at law of Marx Wineman, a resident citizen of the State of Illinois, who died intestate therein in the year 1897.

On May 2, 1882, the State of Mississippi, under an Act of the Legislature of said State, approved February 1, 1877 (Laws, p. 33), by and through Robert Lowry, Governor, and Henry C. Meyers, Secretary of State, under the great seal of the State, duly sold and conveyed, or attempted to convey, in Adams County, Mississippi, then and there claimed to be held and owned by the State, to certain purchasers, and executed in due form of law patents therefor. The tracts of land and the names of the pur-

chasers and the purchase price paid by them to the State, is all shown in the list herewith filed, marked Exhibit "A."

Subsequently, in the year 1882, all the above mentioned patentees, acting under said patents, assigned and conveyed the tracts of land so patented to them, respectively, to the said Marx Wineman, now deceased. Such conveyances were made by deeds duly executed and delivered to the said Marx Wineman. Said patents and deeds by the patentees to Marx Wineman were duly recorded in said Adams County, where the lands are situated. All of the said patents and one of the deeds are filed herewith, the other deeds being in all respects similar to the one so filed, varying only in the description of the land, names of grantees, and the price paid. All of the conveyances and the patents will be produced at the trial hereof. Prior to the issuance of the said patents, said lands were claimed by the State, and all the purchase money received from the said purchasers was duly paid into the treasury of the State of Mississippi.

On September 23, 1896, Lucy E. Gastrell, having asserted a title to said lands claimed under a grant from the State of Mississippi, antedating said patents, said Marx Wineman filed a bill in the Chancery Court of said Adams County against said Lucy E. Gastrell and John M. Simonton, who was then Land Commissioner of the State of Mississippi, to establish and confirm his title to the said land under above conveyances and to cancel the claim or title of the defendants thereto. Pending said suit, the said Marx Wineman dies intestate, leaving these plaintiffs as his sole heirs. He owed no debts, and there was no administration upon his estate, and there was and is no necessity for administration. Thereupon, this being shown, these plaintiffs were admitted as complainants in said suit and filed a supplemental bill therein, setting up the history of the title, or of the title supposed to be derived through said patents and conveyances, and praying that their title should be confirmed, or in the alternative that the failure of such title of the State should be adjudicated. Such proceedings were had therein that on November 25, 1898, the said Chancery Court rendered a final decree adjudicating that complainants' title had failed and dismissed the bill of complaint. A certified copy of all the pleadings and proceedings in said cause is herewith filed, marked Exhibit "B."

Plaintiffs show that their said title failed because at the time of the execution of said patents the land was not held and owned by the State of Mississippi, but had previously been granted and conveyed to the said Lucy E. Gastrell, and in said suit she appeared and asserted her title derived from the State but granted prior to said patents. Plaintiffs further show that the title intended to be conveyed by means of said patents failed, and the State of Mississippi at the time said patents were issued, had no title to said land or any part thereof, and said lands did not belong to the State at the time of the issuance of said patents, and therefore they were issued by oversight and mistake.

Plaintiffs further show that heretofore on December —, 1900, at their instance, the said E. H. Nall, Land Commissioner, reported the said patents, with the facts in regard to the failure of the State's title, and the said Monroe McClurg, Attorney General, who was asked to make an investigation of the case and to report to the Land Commissioner the fact that the land so patented did not at the time of the issuance of said patents, belong to the State, in order that he, the said Land Commissioner, might take such patents to the said W. Q. Cole, Auditor, and have them marked canceled and filed as a voucher in his office, and issue his warrant in favor of plaintiff for the amount paid the State for such canceled patents. But the said Monroe McClurg has failed and refused to make an investigation of the case, and has failed and refused to report to the Land Commissioner the fact, well known to him, and which appears plainly of record, that the land so patented did not belong to the State; and the said E. H. Nall, Land Commissioner, has failed and refused to take such patents to the said W. Q. Cole, Auditor of Public Accounts, and the said Auditor has failed and refused to mark such patents canceled and to file the same as vouchers in his office and to issue a warrant in favor of plaintiffs for the amount paid for such canceled patents or any of them, the amount of the purchase price and legal fees paid for said patents being \$3,092.55.

Plaintiffs have duly requested and demanded that said Attorney General, Land Commissioner, and the Auditor of Public Accounts perform their duties in this respect as required by Section 4 of Chapter 76 of the Laws of 1900, but the said officers have failed and refused, and still fail and refuse, to comply with their duties in this behalf.

Wherefore plaintiffs pray for a writ of mandamus commanding and directing the said Monroe McClurg, Attorney General, to make an investigation of the case and to report to the Land Commissioner that the said lands did not belong to the State at the time said patents were issued, and commanding and directing the said Land Commissioner to take such patents to the Auditor of Public Accounts, and to command the said Auditor to mark such patents canceled and to file the same as a voucher or vouchers in his office, and issue his warrant in favor of plaintiffs for the amount paid the State for such canceled patents, and otherwise comply with their duty in this behalf, without any unnecessary delay.

ALEXANDER & ALEXANDER, and
Brame & Brame,
Attorneys for Petitioners.

(I deem it immaterial to furnish the committee with copy of the general issue or demurrer which I filed and which was overruled.

MONROE MCCLURG. February 21, 1902.)

LIST SHOWING LAND PATENTED, PATENTEES, AND PURCHASE PRICE.

(I omit land numbers from this copy. Each patent had 240 acres or less in Adams County. Applications all signed by X-mark except one. ATTORNEY GENERAL.)

Chris Morris	\$60 00
Charles Lewis	60 75
Joun Ellis	60 00
Harry Green	60 00
Jasper Robertson	60 00
Andrew Spurlock	59 95
Conrad Moore	59 75
John Lee	60 75
Thomas Hammonds	60 00
Albert Graston	60 00
Frank Rice	60 00
Green Allen	60 00
Charles Williams	60 00
William Turnbull	60 00
Joseph Harris	60 00
Ben Robertson	60 00
Stephen Lewis	60 00
Autney Clay	59 70
Albert Jackson	59 70
Milton Mills	59 80
Henry J. Williams	60 05
Chas. Davis	38 95
Henry Rose	54 90
Ambrus Jackson	60 10
H. Laneper	60 30
Sour Ames	60 30
Louis Chambers	60 05
Simon Williams	60 60
Edward Ellis	60 85
Willis Hodge	59 50
John Burn	59 45
Albert Roper	59 50
John Cox	59 65
Patrick Fuggle	59 65
Jack Davis	59 75
Robert Spellman	60 00
Fred Cannon	60 00
Newton Gardner	59 70
Duncan Turner	59 65
Asaac Moore	59 65
Arthur Anstead	60 00
Joe Cole	60 00
Nat Ballard	60 00

Dave Apperson	60 00
John Mullin	60 00
Edward Minter	60 00
Jesse Scales	60 00
Henry Martin	59 75
James Green	59 80

CIRCUIT COURT, JUNE TERM, 1901.

*The State of Mississippi, Hinds County, First District.*MRS. PAULINE LOWENTHAL *et al.*, Plaintiffs,

vs.

THE STATE OF MISSISSIPPI, Defendant.

1. Now comes the defendant, the State of Mississippi, through Monroe McClurg, the Attorney General of said State, and for answer to the petition for the writ of mandamus in this cause, filed by leave of court, says:

That, pursuant to Chapter 76 of the Laws of said State, passed at a regular session of the Legislature of 1900 thereof, the Land Commissioner of said State, E. H. Nall, reported the patents mentioned in the original petition in this cause, together with such facts as were in his possession, to the said Attorney General of said State, for investigation of the case and report to him whether he found the lands described in the said petition did not belong to the State. That the said Attorney General reported that he had investigated the matter and could not say that he found that the said lands did not belong to the State; a copy of the Attorney General's said communication to said Land Commissioner is hereto appended, marked Exhibit No. 1, and prayed to be taken and considered as part hereof.

And defendant prays judgment of the court here, whether the petitioners ought to have the writ of mandamus in this behalf; and that the defendant may be dismissed, with its costs, etc.

MONROE MCCLURG, *Attorney General,*
For Defendant.

(A demurrer to this plea was sustained by the Circuit Court.)

JACKSON, MISS., June 8, 1901

Hon. E. H. Nall, *State Land Commissioner.*

DEAR SIR: I have investigated the application of Mrs. Pauline Lowenthal, Mrs. Belle Kuppenheimer, Simon R. Wineman, Jacob R. Wineman, Milton R. Wineman, and Joseph M. Wineman, to be refunded the sum of \$6,481.98, principal and interest, being the alleged purchase money and fees received by the State for patents to certain lands in Adams County, described in said application, because of the alleged failure of the title attempted to

be conveyed to the alleged vendors of these applicants' father, Marx Wineman, now deceased.

I can not advise you that I have found that the lands so patented did not belong to the State.

I have the honor to be,

Very respectfully,

MONROE McCLURG,
Attorney General.

2. And for further answer to said petition in this behalf, the said defendants, answering by said Attorney General, say: That Chapter 76 of the Laws of 1900, aforesaid, does not apply in this case, because the patents complained of were issued by the Secretary of State, whereas the law aforesaid was duly enacted without the words "or Secretary of State," in the Act, but that by fraud and strategem, said words were fraudulently and surreptitiously written in pencil in the face of the typewritten bill, after it had been passed by the two Houses of the Legislature and engrossed, but before it was enrolled; that it was enrolled by an inexperienced young lady, who erroneously copied said surreptitiously pencil-written words, "or Secretary of State," in the enrollment; that when put upon its final passage, the bill which became the pretended Act of the Legislature, was read by its title only, and that by this means and divers other frauds, unknown to defendants, the said Act was signed by the presiding officers and approved by the Governor. Whereas, in truth and in fact, no law has ever been passed authorizing or providing for the refunding of either principal, fees, or interest, of purchase money for lands, the patents to which, as in this case, were issued by the Secretary of State.

Wherefore, the defendants pray the judgment of the Court here, whether the petitioners ought to have a writ of mandamus in this behalf; that the defendant may be hence dismissed with their costs, etc.

MONROE McCLURG, *Attorney General,*
For Defendant.

Filed June 15, 1901.

J. T. WHITE, *Clerk,*

By E. D. FONDREN, *D. C.*

3. And for further plea in this behalf, defendants say the petitioners ought not to have and maintain their said petition against him, because he says: That Marx Wineman, the ancestor of the petitioners and a resident of Chicago, Illinois, through whom they claim the right to have the alleged purchase money of said land refunded out of the State treasury, fraudulently combined and confederated with the 52 several patentees supposed to be citizens of the city of Memphis, Tennessee, to whom the State patents were illegally issued, and by fraud obtained the patents to said lands from the State in this, to-wit: That the patentees of

said land from the State were wholly irresponsible non-resident parties, without money or means with which to purchase said lands, and said patentees did not pay to the State any money for said lands, nor ever intended to own them, but were tools of said Wineman; but the said Marx Wineman colluded with said non-resident irresponsible parties and furnished them with the money used in the purchase of said lands, and had each one of said parties to pretend to enter and obtain patent to 240 acres, or less, of said lands, and immediately upon the issuance of said patents by the State, the patentees made pretended conveyance of the said land to said Marx Wineman, by which fraudulent and illegal scheme the said Marx Wineman obtained title to all said lands mentioned in said petition and large amounts of swamp and other lands in other counties of the State fraudulently and in direct violation of the statutes of the State and against public policy, especially in violation of Section 3, Chapter 14, of the Laws of 1877, under which said pretended patents were issued, and by reason of said fraudulent purchase the petitioners and their said ancestor have forfeited all purchase moneys and fees paid by the patentees or said Marx Wineman in furtherance of said fraudulent purchases, and this the defendant is ready to verify.

MONROE MCCLURG,
Attorney General.

IN THE CIRCUIT COURT, JUNE TERM, A. D. 1901.

The State of Mississippi, Hinds County, First District.

JOSEPH M. WINEMAN *et al.*

vs.

W. Q. COLE, Auditor, *et al.*

4. And for a further plea in this behalf, filed by leave of the court, the defendants say: That Chapter 76 of the Laws of 1900, under which the petitioners' proceeding herein was instituted and is being prosecuted, was not intended, as clearly appears upon the face thereof, to transfer the subject-matter of this controversy to the final disposition of the Land Commissioner, Attorney General, and Auditor, but to provide a means by which a multiplicity of bills for special relief by local and private legislation might be avoided; that application for the cancellation of patents to land in which it is alleged that the title thus passed by the State has failed, as in this case, possessing equities, as this one does, as is clearly disclosed by all of the pleadings and exhibits filed and referred to herein, and which are now made part of this plea, as if copied at length herein, and which also discloses material doubt both as to matters of fact and of law, should not be finally determined by the defendants or either of them, but in their discretion may be de-

clined for the reasons aforesaid, or any other substantial reason, and the petitioners left for relief by the Legislature.

Said defendants, and each of them, now plead this discretion, and say that they, and each of them, have concluded and determined that because of the intricate and perplexing facts disclosed by the record aforesaid, and because of the consequent doubts as to the law arising upon those facts, that the matters in controversy herein should be referred to the Legislature, and that these defendants, nor either of them, should be required to make further answer herein; Wherefore defendants pray judgment of the court whether the writ of mandamus should issue, etc.

MONROE MCCLURG,
Attorney General.

Judgment Appealed From.

J. M. WINEMAN

vs.

W. Q. COLE, Auditor, *et al.*

Came on to be heard the demurrer of petitioners to the defendants' fourth plea, which demurrer being heard and considered, is sustained, and defendants being granted leave to plead further in open court, decline to plead and say nothing in bar of the action; and it appearing that the patents mentioned in the petition have been tendered, and are now tendered for cancellation as alleged in the petition, and that petitioners have complied with all precedent requirements of the statute in this behalf, and being now entitled to have the defendant, Monroe McClurg, Attorney General of the State, proceed to investigate whether at the time the patents in question were issued, the State owned the lands therein, and to report to the defendant, E. H. Nall, Land Commissioner, whether he finds that the lands did not then belong to the State, and if he so finds and reports that they did not belong to the State, that the Land Commissioner shall take such patents to the defendant, W. Q. Cole, Auditor of Public Accounts, to be by him marked cancelled, that the Auditor may issue his warrant in favor of petitioners for the amount paid to the State for such patents as alleged in the petition; it is considered by the court and so ordered that a writ of mandamus be issued as prayed, directed to the defendant, Monroe McClurg, Attorney General, commanding and requiring him to proceed promptly to investigate whether at the time the said patents were issued, the State owned the lands embraced therein and to make prompt report of the fact to this court and to the defendant, E. H. Nall, Land Commissioner, if he finds that said lands did not at the time of the issuance of said patents belong to the State of Mississippi, to the end that if he so finds and reports, the Land Commissioner may take such patents to the defendant, W. Q. Cole, Auditor, to be by him marked cancelled,

and that a warrant may be issued in favor of petitioners for the amount paid to the State for such patents, without including interest, as required by law.

It is further considered by the court and so ordered, that for the present all other matters herein shall stand in abeyance, subject to the further order and direction of this court in the premises, at the present term or subsequently.

IN THE CIRCUIT COURT, JUNE TERM, A. D. 1901.

State of Mississippi, Hinds County, First District.

JOSEPH M. WINEMAN, *et al.*, *Plaintiffs,*

vs.

W. Q. COLE, *et al.*, *Defendants.*

Now come the said defendants in open court and pray an appeal without bond to the Supreme Court of the State of Mississippi from the judgment of this Court this day rendered in this cause ordering and adjudging that a writ of mandamus issue in favor of the plaintiffs against these defendants who are parties to this suit in their official character, and in which suit the State is beneficially interested. Such appeal to operate as a supersedeas of said judgment and order.

MONROE MCCLURG, *Attorney General,*
For Defendants.

(The following letter was mailed to Senator E. H. Moore and Judge George Anderson):

JACKSON, MISS., January 14, 1901.

MY DEAR SIR—Recalling a conversation with you with reference to Senate Bill 125 of the Legislature of 1900, Chapter 76 of the Acts of that Legislature, I desire to get a statement from you as to what you remember of the actual facts in connection with the amendment "or Secretary of State." The Journal entries both in the Senate and in the House are unclouded, as you will see by reference to S. J., index to S. B. 125, at the bottom of page 678, and H. J., pages 625 and 665.

It must be that this bill when put upon its final passage was not read in full, but by its title only. I presume that you have no distinct recollection on this point. If otherwise, I would be glad to have you so state. At any rate you know what the general custom of the House was at that time.

I have declined to follow Section 4 of the Act by certifying that a patent issued by the Secretary of State in 1882, under Chapter 14, page 33, of 1877, because I knew to a moral certainty that the Legislature of 1900 never intended to refund money because of the failure of these Secretary of State titles, and a mandamus has been applied for to compel me to do so.

My chief trouble is with the decision of our Supreme Court holding that it was not permissible to go behind the enrolled bills, but I am determined to test this case in every possible way, and to defeat, if I can, this effort to take an advantage of the erroneous enrollment of the bill.

I first believed that this error was the result of fraud, but I am rather inclined to the opinion now that it resulted from an inadvertence in penciling into the original bill the words "or Secretary of State," and that the engrossing clerk copied it in good faith. But, however that may be, it is not honestly the law.

I have filed a plea that will most likely dispose of the present application for a mandamus, because of the irregularities in the proceeding, but I look for either an amended or a new application that will answer the objections raised by my special plea and to be driven in the end to a square defense upon the proposition herein indicated, at which time I desire to append your answer to this letter. Your prompt reply will oblige,

Very respectfully,

MONROE MCCLURG,
Attorney General.

P. S.—I have reference to the matter of *Wineman vs. The State*.

ROSEDALE, MISS., January 15, 1901.

Hon. Monroe McClurg, Attorney General, Jackson, Miss.

DEAR SIR— I am this moment in receipt of your esteemed favor of January 14, in reference to Senate Bill 125 of the Legislature of 1900, page 76 of the Acts of the Legislature. This bill was before the Judiciary Committee, of which I am chairman, and that committee was *exceedingly careful* to so amend the bill as to absolutely "shut out" the Wineman claim. I do not believe that the bill, as reported and passed, is the same act now appearing in the Sheet Acts. I am satisfied that a gross fraud has been perpetrated, and am inclined to think that I can point out the guilty man, though I have as yet no positive proof. I will carefully consider the matter; I will be in your city *on next Saturday* for the purpose of attending a meeting of the Trustees of the I. I. & C., and will then see you and discuss this matter with you.

Very truly your friend,

E. H. MOORE

P. S.— The original bill was evidently designed expressly to cover and embrace the Wineman claim. It was prepared by Mr. Carlisle. The committee exercised great care in so amending the bill as to exclude that claim, that very matter was freely and vigorously discussed in committee room, and there was an unanimous opinion and wish that the bill must be so amended as to exclude the Wineman claim. The reference to patents issued by Secretary of State were stricken out for that express purpose. M.

VICKSBURG, MISS., January 23, 1901.

Hon. Monroe McClurg, Attorney General, Jackson, Miss.

MY DEAR SIR—Replying to your inquiry regarding Senate Bill 125, entitled “An Act to enable Auditor of Public Accounts and Land Commissioner to conduct their respective offices,” etc., passed by the Legislature of 1900, as shown by the Acts of that year Chapter 76, I beg to say that my recollection of the facts is about as follows: When the bill was up for consideration in the House a gentleman approached me and asked me to offer an amendment to Section 4 of said act, adding in the second line of said section after “land office” the words “or Secretary of State,” giving me what I thought to be good reasons therefor. I thereupon offered this amendment, which was promptly adopted, as will more fully appear by reference to House Journal of 1900, page 663. But when the bill went back to the Senate that body refused to concur in the amendment, and the bill was sent back to the House for action. In the meantime I had further informed myself regarding the effect of this amendment, and being convinced that it was not for the best interests of the State that it should remain in the bill, I moved in the House that we recede from said amendment, which motion was carried, and the bill passed with this part stricken out, as will appear from the House Journal of 1900, bottom of page 665 and top of page 666. That this amendment should have been retained in the bill on its final passage was evidently an oversight or mistake.

As to whether or not this bill on its final passage was read in full my memory is not now clear, but it was the custom in the House on the final passage of bills to have them read only by title, I presume this was the course taken on the passage of this bill.

Trusting that I have fully answered your inquiry, I remain

Very respectfully yours,

GEO. ANDERSON.

JACKSON, MISS., January 11, 1901.

Hon. John Y. Murry, Ripley, Miss.

DEAR SIR—Senate Bill No. 125, which passed the House March 7, 1900 (see Journal, pages 623 and 665, and Senate Journal, pages 159, 271, 335 and 512), was engrossed by your clerk, I presume, and published, Chapter 76, with “or Secretary of State” erroneously embodied, as you will see from the reference given. This mistake is likely to cost the State many thousand dollars, and I am trying to find out who engrossed this bill. The words “or Secretary of State” were written in pencil in the face of the typewritten bill, yet Senator Moore and Representative George Anderson, of their own personal knowledge, as well as the journal, testify positively that these words should never have gone into the enrolled bill. I have refused to certify that a deed issued by the Secretary of State was void, and a mandamus has been served to

compel me to do so, taking over \$3,000 at one clip. I am determined to defeat it if possible, and to that end am trying to run down the clerk that made this terrible blunder.

Please let me know as quickly as possible what you know on the subject.

With best wishes, I am your friend,

MONROE MCCLURG,
Attorney General.

RIPLEY, MISS., January 14, 1901.

Hon. Monroe McClurg, Attorney General, Jackson, Miss.

MY DEAR SIR—Replying to your favor of 11th, just received, requesting such information touching the insertion of certain words in S. B. No. 125 that should not have appeared, I do not recollect or know anything about it. Our Circuit Court is in session, will adjourn Thursday, I think, if so and you desire it I shall be glad to run down and confer with you about it. It is possible I could recognize the handwriting in the original bill, or at least give such information touching its course as gathered from the docket, or as might lead to fixing the responsibility. I think I can conjecture how it came about, but it is purely speculative and would not care to even hazard an opinion without seeing the papers and books. If I can not get off Friday could, I am sure, reach you Monday. Shall I come? I regret the occurrence.

Your friend,

JOHN Y. MURRY, JR.

JACKSON, MISS., January, 1901.

Hon. John Y. Murry, Ripley, Miss.

DEAR MURRY—Come down as soon as convenient—not later than Monday. Would like to confer with you and show you a letter from Senator Moore, and one which I hope to have then from Hon. Geo. Anderson, of the House.

Very truly,

MONROE MCCLURG,
Attorney General.

RIPLEY, MISS., February 2, 1901.

Hon. Monroe McClurg, Attorney General, Jackson, Miss.

MY DEAR SIR—On the 13th ult. I received your favor requesting such information as I might have touching the engrossment or enrollment of S. B. No. 125, passed at the 1000 session of the Legislature, with special reference to the words "or Secretary of State" appearing in pencil in the typewritten bill, and also appearing in the enrolled bill.

To this letter you will recall, I replied I had no recollection of the matter asked about whatever, but that I would as soon as I could get away go to Jackson and see what I could find about the

matter. In compliance with that promise I have been to Jackson, carefully examined the original bill in the office of the Secretary of State, and desire to add to my former letter the following:

Under the rules, after a bill passes the House in which it originated, it is engrossed, if there be any amendment adopted thereto, by the Secretary of the Senate or Clerk of the House, as the case may be, and in due course transmitted to the other House for consideration. If there be any amendment to the bill adopted by the latter House the bill is not engrossed therein, but is returned just as it was received in the latter House, to the House wherein it originated with the proposed amendment written on a separate paper and attached to or accompanying the bill. During the session of 1900 no one was authorized to engross any Senate Bill except myself or my assistant, Mr. L. F. Chiles, of your city. The bill mentioned was not amended in the Senate, as is shown by the records, and under our custom went to the House of Representatives just as it passed the Senate. An amendment proposing to insert the words "or Secretary of State" was adopted by the House, as appears by its journal, but no officer or member of that body was authorized to insert the amendment in the Senate Bill. That the Clerk of the House did not so do I feel assured, for aside from the fact that the handwriting is not his, he is too efficient and painstaking to have overlooked the rule. I carefully scrutinized the words inserted, but was unable to recognize the handwriting. At my request the assistant who enrolled the bill examined the bill, and she was unable to say whose handwriting it was, nor could she recollect anything out of the ordinary in the course taken by the bill in reaching her. The words seem to have been in the bill when she received it and she merely "followed copy."

The rush at the close of the session of 1900 was exceedingly great, and the number of bills that came to the Senate from the House during the last days of the session was so great that it became necessary for me to employ some four or five additional assistants to keep up with the work and have the bills enrolled as fast as they came to me. During this time it was a physical impossibility for me to personally examine every bill. I am unable, therefore to say more in this matter than that I did not insert these words in this bill, nor does the handwriting appear to be that of the only other person authorized to do so, viz., Mr. Chiles. I suggest, however, that you request him to look at this bill and see if he can give you any further information in the matter. The words should not have appeared in the bill. The fact that I was giving this department of the work my personal attention, and so far as I now recall, I personally engrossed all Senate Bills to which amendments were passed or adopted in the Senate, or at least verified them all, and the fact that I neither inserted these words nor authorized any one else to do so, that they were not inserted in my office, and that I never knew that they had been so

inserted, forces me to the belief that they were either surreptitiously placed there by some one who had a motive in so doing, or that possibly some one in considering the measure and the amendment proposed casually inserted the words in order to catch the full meaning of the amendment and bill as amended, and inadvertently failed to erase them. This of course is mere conjecture.

I regret that this matter occurred, and I trust that your commendable efforts to find the author may be rewarded.

I have the honor to be,

Very truly yours,

JOHN Y. MURRY, JR.,
Secretary of the Senate.

JACKSON, MISS., January 11, 1901.

Hon. L. Pink Smith, Greenville, Miss.

DEAR SIR—Senate Bill No. 125, which passed the House March 7, 1900 (see Journal, page 623 and 665, and Senate Journal, pages 159, 271, 335, and 512), was engrossed by your clerk. I presume, and published Chapter 76, with "or Secretary of State" erroneously embodied, as you will see from the reference given. This mistake is likely to cost the State many thousand dollars, and I am trying to find out who engrossed this bill. The words "or Secretary of State" were written in pencil in the face of the typewritten bill, yet Senator Moore and Representative Geo. Anderson, of their own personal knowledge, as well as the journal, testify positively that these words should never have gone into the enrolled bill. I have refused to certify that a deed issued by the Secretary of State was void, and a mandamus has been served to compel me to do so, taking over \$3,000 at one clip. I am determined to defeat it if possible, and to that end am trying to run down the clerk that made this terrible blunder.

Please let me know as quickly as possible what you know of the subject.

With best wishes I am

Your friend,

MONROE MCCLURG,
Attorney General.

GREENVILLE, MISS., January 12, 1901.

Hon. Monroe McClurg, Attorney General, Jackson, Miss.

DEAR SIR—The House Clerk *never engrosses* Senate Bills, nor the Secretary of the Senate House Bills. Amendments adopted by one House to bills originating in the other are transmitted on paper separate entirely from the original bill. The House Clerk engrosses the bills originating in the House before their transmission to the Senate and then enrolls the bills after their final passage by both Houses for the signature of the Speaker, President of the Senate and Governor.

The words "or Secretary of State" could not have been placed in the bill by any of the clerical force in the House, and could not have been legally placed there after the passage of the bill in the Senate, unless the Journal of the House shows that the words were inserted by virtue of an amendment to that effect and the Senate had afterwards agreed to the amendment. After the bill had passed the House it was returned to the Senate, the Secretary, of course, turned it over to one of the enrolling clerks, the bill was enrolled and placed in the hands of the Committee on Enrolled Bills, and after receiving the committee's approval was signed by the President of the Senate, Speaker of the House and Governor. Of course the enrolling clerk could insert the words in the face of a bill and enroll the bill in accordance with the changes without the knowledge of the Senate or the Secretary, and probably without the interpolation being discovered by the Committee on Enrolled Bills, but I can see no motive for such an act by an enrolling clerk. The interpolation could not have been done, by the nature of the case, in the House.

With kindest regards,

Your friend,

L. PINK SMITH,

JACKSON, MISS., March 28, 1900.

Hon. E. H. Ratcliff, District Attorney, Natchez, Miss.

MY DEAR SIR—A suit has been filed against the State to recover the purchase money on large quantities of land in Adams County because of the failure of the title. The declaration alleges sales to various parties on the 2d of May, 1882, and that on the same day these purchasers conveyed to one Marx Wineman; that the deeds made to these several parties, vendors of Wineman, failed and that a previous conveyance by the State to Miss Lucie E. Gastrell was adjudicated to carry the title to these lands. The heirs of Mr. Wineman sue to recover the purchase money paid the State by the several persons as above stated. I am suspicious that the lands were purchased originally by Wineman in fraud of the statute prohibiting the sale of more than 160 acres to one person, and that it was through his subterfuge that the deeds were made to those other persons. I hand you a list of the persons to whom the conveyances were made, and ask you to please let me know, at your convenience, whether they were in 1882 citizens of your county; I suppose the sheriff would be able to give you some information on the subject.

Very truly yours,

MONROE MCCLURG,
Attorney General.

NATCHEZ, MISS., March 30, 1900.

Hon. Monroe McClurg, Jackson, Miss.

MY DEAR SIR—I am just in receipt of your favor of the 28th inst., and in reply beg to say that I have made some investigation as to the parties mentioned and can find no one who ever knew or heard of any of them. Their names do not appear on the assessment rolls or registration books of 1882, and no one here believe any such persons existed or that they ever lived here.

I was under the impression that this question was settled in the case of Holder, Auditor, *v.* Wineman, 76 M., page 824, in which I understand that this identical question, in reference to the same land, was adjudicated. It seems to me that this case is conclusive of the matter, but I presume there is something about the pending case which I do not understand. If I can be of further service to you will be glad to have you command me.

Yours very truly,

E. H. RATCLIFF.

NATCHEZ, MISS., March 31, 1900.

Hon. Monroe McClurg, Jackson, Miss.

MY DEAR SIR—Referring to the suit of the heirs of Marx Wineman *v.* The State, I think if you will examine the record of a suit brought by Mrs. Gastrell against Wineman, filed in the Federal Court for the Southern District of Mississippi at Jackson, you will find the deposition of Wineman wherein he states substantially that the parties from whom he obtained the deeds on the 2d day of May, 1882, were never known or seen by him. That this whole matter was arranged and gotten up by Mr. Calvin Perkins, of Memphis, and he had nothing to do with it except to furnish the money. That Perkins engineered the whole thing. I don't believe that Perkins' deposition is in the record of that case. But I think there is no doubt but that this whole matter was arranged in Memphis and the parties, if they were in fact real parties, to whom the State made conveyances of these lands were residents of Tennessee. Certain it is that they were a very illiterate set, for every one of them signed the conveyances to Wineman by their mark, but if I mistake not all signed and acknowledged in Memphis. The record of the case above referred to will probably throw a great deal of light on the matter. I am thoroughly convinced that this is an attempted fraud upon the State, and if at any time I can be of service to you I will gladly give you all the aid I can.

Yours very truly,

E. H. RATCLIFF.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 28, An Act to so amend Section 2 of Chapter 73 of the Laws of Mississippi, 1900, approved March 10, 1900, so as to change the composition of the Board of Inquiry, and to provide compensation for members of the Board.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bill read by its title and signed the same, calling the attention of the Senate thereto.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 84, An Act to increase the salary of the Adjutant General to six hundred (\$600) dollars annually,

S. B. No. 96, An Act to so amend Section 4, Chapter 76, of the Laws of 1900 so as to omit the words "or Secretary of State."

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. B. No. 41, An Act to appropriate money to defray the expenses of the legislative, executive and judicial departments of the State government, and to pay interest on the State debt.

H. B. No. 148, An Act to amend Section 3702 of the Code of 1892, in respect to the day fixed for the meeting of Presidential Electors.

H. B. No. 177, An Act to make an appropriation for the support and maintenance and further equipment and improvement of the penitentiary and State farms, and for other purposes connected therewith for the years 1902 and 1903.

H. B. No. 178, An Act to make the filing of county assessment rolls of 1900 in certain cases where they were not filed as required by law, legal.

H. B. No. 179, An Act to amend an Act entitled "An Act to amend an Act entitled An Act to incorporate the Board of Mississippi Levee Commissioners for the Counties of Bolivar, Washington and Issaquena, and for other purposes," approved November 27, 1865, and the several amendments thereto, approved January 27, 1877.

B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the bills read by their titles and signed the same, calling the attention of the Senate thereto.

REPORT OF STANDING COMMITTEE OUT OF ORDER.

Report of Committee on Finance:

MR. PRESIDENT: The Committee on Finance has had under consideration the following bill referred to them, and have instructed me to report it back with the following recommendations:

H. B. No. 180, An Act to appropriate the additional sum of three hundred dollars for the year 1902 and the additional sum of three hundred dollars for the year 1903, with which to pay the salary of the Clerk of the Railroad Commission, his said salary having been increased from nine hundred dollars to twelve hundred dollars per annum by an Act of this Legislature.

Title sufficient; bill do pass.

BRADLEY, *Chairman.*

Mr. Campbell called up S. B. No. 24, An Act to establish a separate and distinct department of insurance, to create the office of Insurance Commissioner, and to regulate insurance companies and fraternal orders doing an insurance business in this State, and to provide for the investigation of incendiary fires, and moved that the Senate proceed to the consideration of House amendments thereto.

The motion prevailed.

Amend as follows: In Section 2 strike out all of lines 3, 4, 5 and 6 to and including the word "he" in line 6, and insert in lieu thereof the following: "Who shall be elected at the general election in 1903 as other State officers; but until the election and qualification of such Insurance Commissioner the Auditor of Public Accounts shall discharge the duties imposed by this Act, beginning with the passage of this Act, and he is hereby empowered to employ a deputy as provided for in this Act, and, if need be, a clerk, whose combined salaries shall not exceed twenty-five hundred dollars a year, and shall be paid from the fees of said department hereinafter provided for, and the balance of the fees shall be paid by the Auditor into the State treasury."

On motion of Mr. Campbell the foregoing amendment was concurred in by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Sixteenth District, Dunn, Farley, Gardner, Greaves, Hinton, Hughes, Key, Looney, McGehee, Noel, Rowan, Sanders, Sharborough, Taylor, Ventress, Yarbrough—Total 23.

Nays—Messrs. Abbay and Shelton—Total 2.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Crawford, Dent of Fourth District, Dulanev, Evans, Falkner, George, Heard, Hicks, Jones, Kiger, Martin, Moore, Seawright, Sheppard, Wharton, Wilson and Young—Total 20.

Amendment No. 2:

Sec. 16, after line 27 add after the word "law," "applicable to it."

On motion of Mr. Campbell the foregoing amendment was concurred in by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Sixteenth District, Dunn, Farley, Gardner, Greaves, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Sharborough, Taylor, Ventress, Wharton, Yarbrough—Total 26.

Nays—Messrs. Abbay and Shelton—Total 2.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Crawford, Dent of Fourth District, Dulaney, Evans, Falkner, George, Heard, Hicks, Jones, Moore, Seawright, Sheppard, Wilson and Young—Total 17.

Amendment No. 3:

Amend Section 16 by striking out the words “or if any,” in line 8, and all of lines 9, 10, 11, 12, 13, 14 and 15 and the words “insurance company” in line 16.

On motion of Mr. Campbell the amendment was adopted by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Sixteenth District, Dunn, Farley, Gardner, Greaves, Hinton, Hughes, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Taylor, Ventress, Wharton, Yarbrough—Total 25.

Nays—Mr. Shelton—Total 1.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Crawford, Dent of Fourth District, Dulaney, Evans, Falkner, George, Heard, Hicks, Jones, Key, Moore, Seawright, Sharborough, Sheppard, Wilson and Young—Total 19.

Mr. Abbay entered a motion to reconsider the vote whereby the amendment was concurred in.

On motion of Mr. Farley the motion to reconsider was tabled.

Amendment No. 4:

Amend by adding after the word “company” “hereafter organized,” page 6, Section 21, line 6.

On motion of Mr. Campbell the foregoing amendment was concurred in by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Sixteenth District, Dunn, Farley, Gardner, Greaves, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Taylor, Ventress, Wharton, Yarbrough—Total 25.

Nays—Messrs. Abbay and Shelton—Total 2.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Crawford, Dent of Fourth District, Dulaney, Evans, Falkner, George, Heard, Hicks, Jones, Moore, Seawright, Sharborough, Sheppard, Wilson and Young—Total 18.

Amendment No. 6:

Page 5, line 9, Section 17, strike out the words “is now or.”

On motion of Mr. Campbell the foregoing amendment was concurred in by the following vote, viz.:

Yeas—Messrs. Adams, Bradley, Campbell, Cayce, Chrisman, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, Greaves, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Ventress, Wharton, Yarbrough—Total 25.

Nays—Messrs. Abbay and Shelton—Total 2.

Absent and those not voting—Messrs. Bailey, Broyles, Clinton, Cooper, Crawford, Dent of Fourth District, Falkner, George, Heard, Hicks, Jones, Moore, Seawright, Sharborough, Sheppard, Taylor, Wilson and Young—Total 18.

Amendment No. 7:

Page 11, Section 28, before the word "Capitol," in third line, insert "paid up."

On motion of Mr. Campbell the foregoing amendment was concurred in by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, Greaves, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Sharborough, Ventress, Wharton, Yarbrough—Total 28.

Nays—Mr. Shelton—Total 1.

Absent and those not voting—Messrs. Bailey, Broyles, Clinton, Cooper, Crawford, Falkner, George, Heard, Hicks, Jones, Moore, Seawright, Sheppard, Taylor, Wilson and Young—Total 16.

Amendment No. 8:

In line 11, Sec. 38, insert after the word "the" and before "policy" the words "application and."

On motion of Mr. Campbell the foregoing amendment was adopted by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, Greaves, Hinton, Hughes, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 29.

Nays—Messrs. Abbay and Shelton—Total 2.

Absent and those not voting—Messrs. Broyles, Clinton, Cooper, Crawford, Falkner, George, Heard, Hicks, Jones, Moore, Seawright, Sharborough, Sheppard and Young—Total 14.

Amendment No. 9:

Strike out Sections 43, 44, 45, 46 and 47.

On motion of Mr. Campbell the foregoing amendment was concurred in by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, Greaves, Hicks, Hinton,

Hughes, Key, Kiger, Looney, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 29.

Nays—Messrs. Abbay and Shelton—Total 2.

Absent and those not voting—Messrs. Broyles, Chrisman, Clinton, Crawford, Falkner, George, Heard, Hicks, Jones, Martin, McGehee, Moore, Sheppard and Young—Total 14.

Amendment No. 10:

Amend Section 49 by striking out all in line 41 after the word "company," and by striking out lines 42, 43, 44, 45, 46 and the words "any policy of insurance issued by them," in line 47.

On motion of Mr. Campbell, the foregoing amendment was concurred in by the following vote, viz.:

Yeas — Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, George, Greaves Hinton, Hughes, Key, Kiger, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 32.

Nays—Mr. Shelton—Total 1.

Absent and those not voting—Messrs. Abbay, Broyles, Clinton, Crawford, Falkner, Heard, Hicks, Jones, Martin, Moore, Sheppard and Young—Total 12.

Amendment No. 11:

Section 68, page 41, line 27, after the word "premium" insert "on business hereafter written."

On motion of Mr. Campbell the foregoing amendment was concurred in by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, George, Greaves, Hinton, Key, Kiger, Looney, Martin, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 33.

Nays—Messrs. Abbay and Shelton—Total 2.

Absent and those not voting—Messrs. Broyles, Clinton, Crawford, Falkner, Heard, Hicks, Hughes, Jones, Moore and Young—Total 10.

Amendment No. 12:

Add after the word "incurred" in line 46, Section 68, "such examination shall be made only when upon request of the Insurance Commissioner of this State upon the Insurance Commissioner of the State of the domicile of a foreign company shall refuse or fail to furnish the information called for."

On motion of Mr. Campbell the foregoing amendment was concurred in by the following vote, viz.:

Yeas—Messrs. Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Greaves, Hinton, Key,

Kiger, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Yarbrough—Total 29.

Nays—Messrs. Abbay and Shelton—Total 2.

Absent and those not voting—Messrs. Broyles, Clinton, Crawford, Falkner, Gardner, George, Heard, Hicks, Hughes, Jones, Martin, Moore, Wilson and Young—Total 14.

Amendment No. 13:

Amend Section 50 "A" by inserting after the word "therein" in the 4th line, the words "to act as agent."

On motion of Mr. Campbell the foregoing amendment was concurred in by the following vote, viz.:

Yeas—Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, George, Greaves, Hinton, Hughes, Key, Kiger, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Sheppard, Taylor, Ventress, Wharton, Yarbrough—Total 33.

Nays—Mr. Shelton—Total 1.

Absent and those not voting—Messrs. Broyles, Clinton, Crawford, Falkner, Heard, Hicks, Jones, Martin, Moore, Wilson and Young—Total 11.

Mr. Abbay submitted the following protest against the passage of this bill:

SENATE CHAMBER, March 5, 1902.

To the Honorable James T. Harrison, President of the Senate of the State of Mississippi.

MR. PRESIDENT: I hereby protest against the final passage of Senate Bill No. 24, which with its amendments came up for final passage to-day. I demanded that said bill, with its amendments, be read on its final passage in accordance with Section 59 of the Constitution. Such reading having been refused, I do hereby enter my protest.

R. F. ABBAY,

Senator from Thirty-fourth Senatorial District.

Mr. Bradley called up for consideration House amendments to S. B. No. 57, An Act to amend Section 1, Chapter 54, Acts of 1900, in relation to issuance of State bonds for the purpose of erecting a new State House.

House amendment to strike out in line 5, Section 1, the words "and no other" was adopted by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bailey, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, Hughes, Key, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Shelton, Sheppard, Taylor, Ventress, Wharton, Yarbrough—Total 29.

Nays—Messrs. Hinton and Sharborough—Total 2.

Absent and those not voting—Messrs. Broyles, Clinton, Crawford, Dent of Fourth District, Falkner, George, Greaves, Heard, Hicks, Jones, Kiger, Martin, Wilson and Young—Total 14.

House amendment to strike out all of Section 3 after the word “treasury,” in the tenth line, and insert in lieu thereof “and so much thereof as may be necessary shall be used for the completion of the new State House and the remainder of said proceeds shall be placed to the credit of the general fund of the State treasury,” was concurred in by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, George, Hinton, Key, Looney, McGehee, Moore, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 31.

Absent and those not voting—Messrs. Bailey, Broyles, Clinton, Crawford, Falkner, Greaves, Heard, Hicks, Hughes, Jones, Kiger, Martin, Sheppard and Young—Total 14.

Mr. Bradley called up for consideration House amendment to S. B. No. 67, An Act to appropriate money for the completion and furnishnig of the new State House, for beautifying the grounds thereof, and for the removal of the State official archives and property to the new State House.

House amendment striking out the item of “\$75,000 for the proper furnishing of the new Capitol” was concurred in by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Cooper, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, Greaves, Hicks, Hinton, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 30.

Absent and those not voting—Messrs. Bailey, Broyles, Clinton, Crawford, Falkner, George, Heard, Hughes, Jones, Key, Kiger, Martin, Moore, Sheppard and Young—Total 15.

House amendment decreasing the amount for the removal of the records, etc., from the present site to the new State House from “\$5,000 to \$3,000” was concurred in by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Farley, Gardner, Greaves, Hicks, Hinton, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough—Total 30.

Absent and those not voting—Messrs. Bailey, Broyles, Clinton, Cooper, Crawford, Falkner, George, Heard, Hughes, Jones, Key, Kiger, Martin, Moore and Young—Total 15.

Mr. Bradley called up for consideration out of order, under a suspension of the rules, H. B. No. 180, An Act to appropriate the additional sum of three hundred dollars for the year 1902, and the additional sum of three hundred dollars for the year 1903, with which to pay the salary of the Clerk of the Railroad Commission, his said salary having been increased from nine hundred dollars to twelve hundred dollars per annum by an Act of this Legislature.

On motion of Mr. Bradley, the bill was read a third time and passed by the following vote, viz.:

Yeas — Messrs. Abbay, Adams, Bradley, Campbell, Cayce, Chrisman, Dent of Fourth District, Dent of Sixteenth District, Dulaney, Dunn, Evans, Gardner, George, Greaves, Hicks, Hinton, Kiger, Looney, McGehee, Noel, Rowan, Sanders, Seawright, Sharborough, Shelton, Sheppard, Taylor, Ventress, Wharton, Wilson, Yarbrough — Total 31.

Nays — Mr. Farley — Total 1.

Absent and those not voting — Messrs. Bailey, Broyles, Clinton, Cooper, Crawford, Falkner, Heard, Hughes, Jones, Key, Martin, Moore, and Young — Total 13.

Title standing as stated.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., March 4, 1902.

MR. PRESIDENT: I am directed by His Excellency the Governor to inform the Senate that he has this day approved the following bill, to-wit:

S. B. No. 37, An Act to amend Section 3182, Code of 1892, so as to require inventory of appraisers to be made on January 1st of each year, and clerk's books to be balanced by same.

Respectfully,

J. J. COMAN, *Private Secretary.*

EXECUTIVE DEPARTMENT.

JACKSON, MISS., March 5, 1902.

To the Legislature of Mississippi.

GENTLEMEN: In creating the Eleventh Circuit Court District of the State of Mississippi, I am informed that your honorable body failed to make an appropriation for the salaries of the Judge and District Attorney. I have the honor to call your attention to this matter for such action as you may deem proper.

Respectfully,

A. H. LONGINO, *Governor.*

RESOLUTIONS.

The following resolution offered by Mr. Bradley was adopted, viz.:

Resolved, That the Sergeant at Arms of the Senate be allowed five days' extra pay after the adjournment of the Senate, to be allowed and paid out of the Senate Contingent Fund.

The following resolution offered by Mr. Ventress was adopted, viz.:

WHEREAS, There will be an accumulation of mail after the adjournment of the Senate, that will have to be forwarded to the several members; therefore, be it

Resolved, That the Postmistress of the Senate is hereby allowed per diem at present rate for five days after adjournment of the Senate, to be paid out of the Contingent Fund of the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

H. C. R. A concurrent resolution of sympathy for the Boers in their struggle for liberty in the South African Republic.

H. C. R., Adopting State Ode as contained in verses accompanying.

H. C. R., A concurrent resolution requesting Capitol Commission to fix June 3d next for laying the corner-stone of new Capitol building,
B. W. SHARBOROUGH, *Chairman*.

Whereupon the President suspended all business, had the resolutions read by their titles, and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bill, and now present it for your signature, to-wit:

S. B. No. 24, An Act to establish a separate and distinct department of insurance, to create the office of Insurance Commissioner, and to regulate insurance companies and fraternal orders doing an insurance business in this State, and to provide for the investigation of incendiary fires.

B. W. SHARBOROUGH, *Chairman*.

Whereupon, the President suspended all business, had the bill read by its title, and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bills, and now present them for your signature, to-wit:

S. B. No. 57, An Act to amend Section 1, Chapter 54, Acts of 1900, in relation to issuance of State bonds for the purpose of erecting a new State house.

S. B. No. 67, An Act to appropriate money for the completion and furnishing of the new State house, and for beautifying the grounds thereof, and for the removal of the State's official archives and property to the said new State House.

B. W. SHARBOROUGH, *Chairman.*

Whereupon the President suspended all business, had the bills read by their titles, and signed the same, calling the attention of the Senate thereto.

Mr. Seawright, in a beautiful speech, presented in behalf of Sergeant at Arms Govan and the Pages and Messenger of the Senate, a handsome water set to President Harrison.

President Harrison acknowledged his appreciation in suitable terms.

Mr. Bradley moved that the remarks of Mr. Seawright and the response of the President be furnished the Secretary for the purpose of being spread on the journal, which motion prevailed.

REMARKS OF THE HONORABLE SENATOR SEAWRIGHT ON THE PRESENTATION TO LIEUTENANT GOVERNOR JAMES T. HARRISON
THE GIFT OF SERGEANT AT ARMS GOVAN AND THE
PAGES AND MESSENGER OF THE SENATE.

In all the history of the world, in all the humanity of the past, the purest, holiest, loftiest and most sacred impulse of the human heart has been and is, Love — love of home, love of country, love of family, and love of friends. It is founded upon the purest principles of friendship, and has come gliding down the ages, resplendent and glorious, and to-day serves as a beacon light to all human hope and aspirations.

It has been immortalized in the beautiful story of the lives and character of Damon and Pythias; its lesson is seen in all its fullness, richness and splendor in the beautiful picture of the life of Jonathan of old, who in the unselfishness of his noble character thrust aside his heirship to a throne, denied himself the honor of a golden crown, in order that his friend and associate might be elevated to position of eminence and power.

Glad am I to know that this spirit still lives and has not perished from the earth. It is firmly and deeply implanted in the human breast, and will ever grow green in the human heart. In the midst of the rush, whir and excitement of this busy life, I thank God that men will take time to consider, and that they are guided by a higher and holier purpose than a mere desire for greed and for gain. Verily, life would not be worth the living were the chief aim self-aggrandizement, the stocking and storing, as it

were, of our barns and our banks with the product of the field and the mine, and the sordid things of this life which perish with their using. There is a grander and a nobler spirit, and that is the sharing and having part in the joys and victories as well as in the sorrows and defects of our fellow associates, and without which life would prove a dismal failure, and the world would be as cold and cheerless as a desert rose.

The pleasant associations that we have enjoyed here have formed friendships that will linger through all the years to come, and will ever sparkle as jewels in the coronation of happiness that time will not obliterate and the flight of years will not tarnish or come to grow dim.

As a further evidence of the fact that friendship still warms the heart of man, the capable and worthy Sergeant at Arms, together with the gentlemanly and obliging Pages of this Senate, have delegated to me the happy privilege and pleasant duty of presenting to you this elegant testimonial of love, as a slight token of the high esteem in which they hold you, and in doing so they express the hope that you, sir, will experience as much joy in receiving it as they do in tendering it. By your high sense of honor, knightly bearing and uniform courtesy on all occasions you have not only completely won and captivated the hearts of these attaches of the Senate, but I could also add, every man who has had the honor to sit upon this Senate floor. In their name and speaking for them, I here and now assure you of their undying love and unfading friendship.

To whatever position the people have called you in the past, you have always demonstrated your capacity and devotion to duty, and we all look forward with pride and pleasure to the time when the people of this proud commonwealth, as one man and with one voice, will say unto you, "Well done, thou good and faithful servant; come higher"; we have a "mansion" prepared for you.

These friends do not love you sorely because of the fact that you have been kind, gentle, and courteous to them, but they know of your services to your country and people in days that are past, and they admire you because they recognize in you a man true to every trust, faithful to the people who have so signally honored you, true to the State you have served so well, a man whose ambitions and aspirations for the welfare of his State and her people are "as lofty as the peaks of Mt. Washington and whose devotion to her service is as pure as the snows that fall upon her summits."

Whatever the future may have in store, wherever your future lot may be cast, these, your friends, express the hope that the lines of life will fall to you in pleasant places, that you may be permitted to work continually in the sunlight of happiness and prosperity, and the grand, central desire of their hearts is that your declining years will be as happy and sweet as a kiss from the lips of love under the roses and the dew.

REPLY OF LIEUTENANT GOVERNOR HARRISON.

Lieutenant Governor Harrison in reply said:

Senator Seawright, I thank you for your kind words and the elegant manner of their expression. There is no Senator upon the floor whose appreciation I prize more highly.

I also thank our Sergeant at Arms, whose distinguished father honored me with his friendship, and whose son, as a worthy representative of a noble sire, has served the Senate with fidelity and wisdom, and whose firmness was so blended with courtesy that it was hard to determine where one commenced and the other ended.

And to you, most faithful and diligent of pages, let me add in conclusion, that when our blessed Savior said "Let the little children come unto me and forbid them not, for of such is the kingdom of heaven," he meant for us to admire innocence and purity, and although I have had many honors heaped on me, many greater than my merit, but none equal to my appreciation, yet this mark of confidence and esteem by the young and pure touches depths in my heart rarely reached before. Boys, in parting, permit me to say that I will watch with much interest your careers in life, and be ready to aid you.

In conclusion, let me remind you of the admonition of Shakespeare, "To thine own self be true, and it must follow as the night the day, thou canst not then be false to any man." And the divine command is, "Fear God and keep his commandment, for this is the whole duty of man."

Mr. Cayce, in behalf of the Pages and Messenger, presented to Sergeant at Arms Govan a memento of the appreciation of said Pages of Mr. Govan's kind treatment of them.

Mr. Govan feelingly and beautifully acknowledged his appreciation.

Mr. Dulaney, in behalf of the Committee to Investigate Penitentiary Affairs, and other Senators, touchingly presented to Mr. Moore a handsome case of pearl-handle knives, as an evidence of their appreciation of his conscientious, courteous and faithful discharge of his duties as Chairman of said Committee to Investigate Penitentiary Affairs.

Mr. Moore feelingly acknowledged his appreciation of this action of his fellow laborers on said committee, and other Senators.

On motion, the remarks of Mr. Dulaney and the response of Mr. Moore were requested to be furnished the Secretary for publication in the journal.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled bill, and now present it for your signature, to-wit:

S. B. No. 89, An Act to provide for the better enforcement of the anti-trust laws of the State.

B. W. SHARBOROUGH, *Chairman*.

Whereupon, the President suspended all business, had the bill read by its title, and signed the same, calling the attention of the Senate thereto.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to His Excellency the Governor, for his approval, the following entitled bill, which was correctly enrolled and signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 28, An Act to so amend Section 2 of Chapter 73 of the Laws of Mississippi of 1900, approved March 10, 1900, so as to change the composition of the Board of Inquiry, and to provide compensation for members of the Board.

B. W. SHARBOROUGH, *Chairman*.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to His Excellency the Governor, for his approval, the following entitled bills, which were correctly enrolled and each and severally signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 84, An Act to increase the salary of the Adjutant General to six hundred (\$600) dollars annually.

S. B. No. 96, An Act to so amend Section 4, Chapter 76, of the Laws of 1900, as to omit the words, "or Secretary of State."

B. W. SHARBOROUGH, *Chairman*.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to His Excellency the Governor, for his approval, the following entitled bill, which was correctly enrolled and signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 89, An Act to provide for the better enforcement of the anti-trust laws of this State.

At 2 P. M., on motion of Mr. Adams, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order by President Harrison at 3 o'clock P. M., a quorum present.

Mr. Rowan moved that the Committee on Memorial Services of Senators Dinsmore, Meek and Torrey be allowed to spread on to-day's journal their report on that subject.

HON. J. R. DINSMORE.

WHEREAS, Since the last session of the Senate of the State of Mississippi there has come a summons from on high to one among us who was "God's noblest work, an honest man"; and,

WHEREAS, Our friend and fellow Senator, the Honorable John R. Dinsmore, was ever faithful, ever obedient and ever true to the authorities he recognized in this life, he was ready to respond when the Supreme Authority bade him cast off the burden and heat of the day and enter into rest; therefore, be it

Resolved by the Senate of the State of Mississippi, That in the loss of this upright citizen, wise legislator, profound student and stainless gentleman, the State has lost one of her noblest sons, the Constitution one of its strongest supports and the Senate one of the brightest stars in the galaxy that has so long illumined it. Therefore, be it further

Resolved, That we deeply deplore the taking hence in the very prime of manhood and in the full flush of well earned fame this friend of pure heart and clean hand, and that we testify our sense of loss by spreading these resolutions on the journal.

B. C. ADAMS,
Chairman Sub-committee.

COL. S. M. MEEK.

When the Angel of Death bore the soul of Col. S. M. Meek to his home beyond the skies, we mourned the loss of as kind a heart, as royal a nature as ever gladdened and brightened out pilgrimage here. His life was broad in its sympathies, warm with its sunshine and always genial and helpful in its influences. Up in the bright surface of his splendid nature resentment could find no resting place. He had no enemies, and no man cherished his friends with more devotion than he, and his happiest moments were when he could serve a friend.

Endowed by nature with her richest gifts of mind and heart, the best blood of the old South found in him its brightest and sweetest expression. Honorable, chivalric, noble, with kingly grace and loving soul, he performed the duties of life.

Its memory will ever linger with us, a sweet benediction and a benison, and will be cherished until we greet his spirit where partings never come.

"It is well for us all some sweet hope lies
Deeply buried from human eyes,
In the hereafter angels may
From the grave roll the stone away."

NEWNAN CAYCE,
Chairman Sub-committee.

SENATOR W. D. TORREY.

WHEREAS, In the wisdom of an All-wise Providence our co-worker, Senator W. D. Torrey, has been removed by death from the Senate of the State of Mississippi, we adjudged in Senator Torrey all the virtues and characteristics of a great and good man, an able legislator, affable and kind to his fellow members, able judgment in the performance of duty, patriotic and ever attentive to the best interest of his constituency and country, and we desire hereby to express our appreciation and love for him; therefore, be it

Resolved, That we, the members of the Senate, deeply mourn the loss of our distinguished co-worker and friend, and sympathize with his bereaved family and friends, and direct that this action be placed on the Journal of the Senate and a copy sent to his family.

ROWAN AND SHEPPARD,
Sub-committee.

RESOLUTION.

The following resolution, offered by Mr. Sharborough, was on motion adopted, viz.:

Resolved, That there be allowed out of the Senate Contingent Fund for the purpose of defraying expenses incurred by the Committee on Enrolled Bills in investigating the question of the fraudulent interlineation in S. B. No. 125, made at the 1900 term of the Legislature, the following sums, to-wit:

To Miss Mai Whitehead, stenographer.....	\$35 00
To Miss Mattie Cavett, witness.....	2 00
To Judge Geo. Anderson, witness.....	2 00
To Judge Geo. Anderson, witness, mileage..	4 30

B. W. SHARBOROUGH.

REPORT OF COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT: The Committee on Enrolled Bills has this day presented to His Excellency the Governor for his approval the

following entitled bill, which was correctly enrolled and signed by the Speaker of the House and President of the Senate in manner and form as required by the Constitution, to-wit:

S. B. No. 24, An Act to establish a separate and distinct department of insurance, to create the office of Insurance Commissioner, and to regulate insurance companies and fraternal orders doing an insurance business in this State, and to provide for the investigation of incendiary fires.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., March 5, 1902.

MR. PRESIDENT: I am directed by His Excellency the Governor to inform the Senate that he has this day approved the following bills, to-wit:

S. B. No. 96, An Act to so amend Section 4, Chapter 76, of the Laws of 1900, as to omit the words "or Secretary of State."

S. B. No. 84, An Act to increase the salary of the Adjutant General to six hundred (\$600) dollars annually.

Respectfully,

J. J. COMAN, *Private Secretary*.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives has adopted the report of the conference committee on the disagreement of the two Houses touching Senate amendment to House Resolution to adjourn *sine die* at 6 o'clock P. M. this day.

L. PINK SMITH, *Clerk*.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., March 5, 1902.

MR. PRESIDENT: I am directed by His Excellency the Governor, to inform the Senate that he has this day approved the following bills, to-wit:

S. B. No. 67, An Act to appropriate money for the completion of the new State House and for beautifying the grounds thereof, and for the removal of the State official archives and property to the said new State House.

S. B. No. 57, An Act to amend Chapter 54 Acts of 1900 in relation to the issuance of State bonds for the purpose of erecting a new State House.

S. B. No. 89, An Act to provide for the better enforcement of the Anti-trust Laws of this State,

S. B. No. 24, An Act to establish a separate and distinct department of insurance, to create the office of Insurance Commissioner, and to regulate insurance companies and fraternal orders doing an insurance business in this State, and to provide for the investigation of incendiary fires.

Respectfully,

J. J. COMAN, *Private Secretary*.

EXECUTIVE DEPARTMENT,

JACKSON, MISS., March, 5, 1902.

MR. PRESIDENT: I am directed by His Excellency the Governor, to inform the Senate that he has this day approved the following bill, to-wit:

S. B. No. 28, An Act to so amend Section 2 of Chapter 73 of the Laws of Mississippi, 1900, approved March 10, 1900, as to change the composition of the Board of Inquiry and to provide for compensation for members of the Board.

Respectfully,

J. J. COMAN, *Private Secretary*.

The following resolution, offered by Mr. Chrisman, was adopted, viz.:

Amend the allowance made Miss Mai Whitehead in taking the testimony in the investigation of Senate Bill No. 125 from \$35 to \$70, it being shown that she worked eight whole days.

The following resolution, offered by Mr. Rowan, was adopted, viz.:

Resolved, That the three porters of the Senate be allowed pay for three extra days' work.

The following resolution, offered by Mr. George, was adopted, viz.:

Resolved, That \$12.50 be allowed Leo Coleman for services rendered in fixing locks on the desks of Senators, the same services having been paid for last session at \$25.

Mr. Kiger in the chair.

Mr. Adams moved that a committee of three be appointed to notify the House that the Senate was ready to adjourn and to invite a like committee on the part of the House to notify the Governor that the Legislature being about to adjourn desired to know if he had any further communication to submit. The motion prevailed, whereupon the Chair appointed Messrs. Adams, Rowan and Campbell as said committee.

A committee from the House appeared and notified the Senate that the House was in readiness to adjourn.

Mr. Adams, in behalf of the committee to notify the Governor that the Legislature, before adjourning, desired to know if he had any further communication to submit, reported that duty performed and stated that the Governor had no further communica-

tion to the Legislature, and in behalf of the Governor thanked the Legislature for the earnest and conscientious manner in which it had performed its duty.

On motion of Mr. Adams the reading of the journal of to-day was dispensed with and the same stood approved.

At 6 P. M., the hour set for the adjournment of the Legislature, the President *pro tem.* announced that the Senate stood adjourned *sine die.*

JOHN Y. MURRY, JR., *Secretary.*

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- Young, Hon. T. W., Senator from the Thirty-first District vice Hon. J. I. Ballinger, resigned —
 Qualified as Senator. 3
 Introduced Senate Bills Nos. 28 and 81. See Senate Bills.

